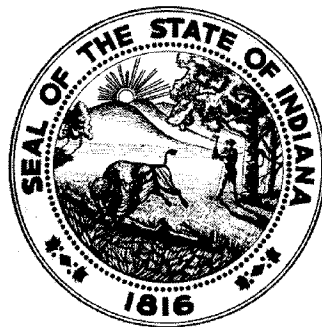


# Manufactured Home Installer Licensing Board

## Laws and Regulations

A compilation of the Indiana Code and Indiana Administrative Code

2007 Edition



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**NOTICE:** This compilation incorporates the most recent revisions of statutes and administrative rules governing the manufactured home installer profession, as of July 1, 2007. Note that this compilation is not an official version of the Indiana Code. It is distributed as a general guide to individuals in the manufactured home installer profession regulated by the Manufactured Home Installer Licensing Board and the Indiana Professional Licensing Agency. It is not intended to be offered as legal advice, and it may contain typographical errors. The Manufactured Home Installer Licensing Board and the Indiana Professional Licensing Agency are prohibited from providing legal advice on issues contained herein. For legal advice, please consult an attorney. To obtain official copies of the Indiana Code or Indiana Administrative Code, contact your nearest public library or visit the website of the Indiana General Assembly at [www.in.gov/legislative](http://www.in.gov/legislative).

# MANUFACTURED HOME INSTALLER LICENSING BOARD

July 2007 Edition

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**INDIANA CODE § 25-23.7**

**ARTICLE 23.7. MANUFACTURED HOME INSTALLERS**

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**INDIANA CODE § 25-23.7-1**

**Chapter 1. Application of Article**

**IC 25-23.7-1-1 Application of article**

Sec. 1. This article applies to a person who installs manufactured homes for occupancy as single family dwellings.  
As added by P.L.162-2002, SEC.7. Amended by P.L.87-2005, SEC.32.

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**INDIANA CODE § 25-23.7-2**

**Chapter 2. Definitions**

**IC 25-23.7-2-1 Applicability of definitions**

Sec. 1. The definitions in this chapter apply throughout this article.  
As added by P.L. 162-2002, SEC.7.

**IC 25-23.7-2-2 "Board"**

Sec. 2. "Board" refers to the manufactured home installer licensing board established by IC 25-23.7-3-1.  
As added by P.L.162-2002, SEC.7.

**IC 25-23.7-2-3 "Installation" or "install"**

Sec. 3. "Installation" or "install" means any of the following:  
(1) The construction, whether temporary or permanent, of a structural support system for a manufactured home.  
(2) The placement or erection of a manufactured home or manufactured home components on a structural support system.  
(3) Supporting, blocking, leveling, securing, anchoring, or adjusting any structural component of a manufactured home.  
(4) The connection of multiple or expandable sections or components of a manufactured home.  
As added by P.L. 162-2002, SEC.7.

**IC 25-23.7-2-4 "Installer"**

Sec. 4. "Installer" means an individual who contracts to install or installs a manufactured home.  
As added by P.L. 162-2002, SEC.7.

**IC 25-23.7-2-5 "Licensee"**

Sec. 5. "Licensee" means an individual who installs manufactured homes and is licensed under this article.  
As added by P.L. 162-2002, SEC.7.

**IC 25-23.7-2-6 "Licensing agency"**

Sec. 6. "Licensing agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.  
As added by P.L. 162-2002, SEC.7. As amended by P.L.1-2006, SEC.458.

**IC 25-23.7-2-7 "Manufactured home"**

Sec. 7. "Manufactured home" means a:  
(1) dwelling meeting the definition set forth in IC 22-12-1-16; or  
(2) mobile home being installed in a mobile home community.  
As added by P.L. 162-2002, SEC.7. Amended by P.L.87-2005, SEC.33.

**IC 25-23.7-2-7.5 "Mobile home"**

Sec. 7.5. "Mobile home" has the meaning set forth in IC 16-41-27-4.  
As added by P.L.87-2005, SEC.34.

**IC 25-23.7-2-7.6 "Mobile home community"**

Sec. 7.6. "Mobile home community" has the meaning set forth in IC 16-41-27-5.  
As added by P.L.87-2005, SEC.35.

**IC 25-23.7-2-8 "Secretary"**

Sec. 8. "Secretary" has the meaning set forth in IC 25-1-6-5(c).  
As added by P.L.162-2002, SEC.7.

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**INDIANA CODE § 25-23.7-3**

**Chapter 3. Manufactured Home Installer Licensing Board**

**IC 25-23.7-3-1 Establishment of board**

Sec. 1. The manufactured home installer licensing board is established.  
As added by P.L. 162-2002, SEC.7.

**IC 25-23.7-3-2 Members**

Sec. 2. (a) The board consists of nine (9) members appointed by the governor as follows:  
(1) Four (4) members who are installers, each of whom:  
(A) is licensed in Indiana as an installer; and  
(B) has been actively engaged in the installation of manufactured homes for at least five (5) years immediately before the member's appointment to the board.  
(2) One (1) member who represents manufactured home manufacturers with production facilities in Indiana.  
(3) One (1) member who represents manufactured home dealers.  
(4) One (1) member who is an operator or who is employed by an operator of a mobile home community licensed under IC 16-41-27.  
(5) One (1) member who is an owner of or who is employed by a primary inspection agency, a designation issued under 24 CFR 3282 by the United States Department of Housing and Urban Development.  
(6) One (1) member who represents the general public and who is not associated with the manufactured home industry other than as a consumer.  
(b) The members of the board must be residents of Indiana.  
As added by P.L. 162-2002, SEC.7. Amended by P.L.87-2005, SEC.36.

**IC 25-23.7-3-3 Terms of members**

Sec. 3. (a) Each member of the board shall serve a term of four (4) years and until the member's successor is appointed and qualified.  
(b) A board member may not serve more than two (2) consecutive terms.  
As added by P.L. 162-2002, SEC.7.

**IC 25-23.7-3-4 Removal of member; vacancies**

Sec. 4. (a) The governor may remove a board member at any time for incompetency, neglect of duty, or unprofessional conduct.  
(b) A vacancy in the membership of the board shall be filled by appointment by the governor for the unexpired term.  
As added by P.L. 162-2002, SEC.7.

**IC 25-23.7-3-5 Board meetings; quorum; majority vote required**

Sec. 5. (a) The board shall meet at least two (2) times each calendar year upon the call of the chairperson or the written request of a majority of the members of the board.

(b) The chairperson shall establish the time and place for each meeting.

(c) Five (5) members of the board constitute a quorum.

(d) Except as otherwise provided in this article, at least five (5) votes are necessary for the board to take official action.

*As added by P.L. 162-2002, SEC. 7.*

#### **IC 25-23.7-3-6 Salary per diem; travel expenses**

Sec. 6. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

*As added by P.L. 162-2002, SEC. 7.*

#### **IC 25-23.7-3-7 Chairperson; vice chairperson; presiding officer**

Sec. 7. (a) Each year the board shall elect a member as chairperson and a member as vice chairperson.

(b) The chairperson and vice chairperson shall serve until their successor is elected.

(c) The chairperson shall preside at all meetings at which the chairperson is present. The vice chairperson shall preside at meetings in the absence of the chairperson and shall perform other duties as the chairperson directs.

(d) If the chairperson and vice chairperson are absent from a meeting of the board when a quorum exists, the members who are present may elect a presiding officer who shall serve as acting chairperson until the conclusion of the meeting or until the arrival of the chairperson or vice chairperson.

*As added by P.L. 162-2002, SEC. 7.*

#### **IC 25-23.7-3-8 Board duties and powers**

Sec. 8. The board shall:

- (1) enforce and administer this article;
- (2) adopt rules under IC 4-22-2 for the administration and enforcement of this article, including competency standards and a code of ethics for licensed installers;
- (3) prescribe the requirements for and the form of licenses issued or renewed under this article;
- (4) issue, deny, suspend, and revoke licenses in accordance with this article;
- (5) in accordance with IC 25-1-7, investigate and prosecute complaints involving licensees or individuals the board has reason to believe should be licensees, including complaints concerning the failure to comply with this article or rules adopted under this article;
- (6) bring actions in the name of the state of Indiana in an appropriate circuit court to enforce compliance with this article or rules adopted under this article;
- (7) establish fees in accordance with IC 25-1-8;
- (8) inspect the records of a licensee in accordance with rules adopted by the board;
- (9) conduct or designate a board member or other representative to conduct public hearings on any matter for which a hearing is required under this article and to exercise all powers granted under IC 4-21.5; and
- (10) maintain the board's office, files, records, and property in the city of Indianapolis.

*As added by P.L. 162-2002, SEC. 7.*

#### **IC 25-23.7-4-1 Board secretary; secretary duties**

Sec. 1. The licensing agency shall provide the board with a competent person to serve as secretary of the board. The secretary is not a member of the board. The secretary, through the licensing agency, shall:

- (1) keep a complete and accurate record of all proceedings of the board;
- (2) keep a current file of all licenses and licensees; and
- (3) perform any other duties assigned by the board.

*As added by P.L. 162-2002, SEC. 7.*

#### **IC 25-23.7-4-2 Licensing agency responsibilities**

Sec. 2. The licensing agency shall provide the board with clerical or other assistants necessary for the proper performance of the board's duties.

*As added by P.L. 162-2002, SEC. 7. Amended by P.L. 197-2007, SEC. 86.*

#### **IC 25-23.7-4-3 Money collected; expenses paid from state general fund**

Sec. 3. The secretary shall receive and account for all money collected under this article and deposit the money in the state general fund with the treasurer of state. All expenses incurred in the administration of this article shall be paid from the state general fund.

*As added by P.L. 162-2002, SEC. 7.*

### **INDIANA CODE § 25-23.7-5**

#### **Chapter 5. Licensing Requirements**

#### **IC 25-23.7-5-1 Licensing requirement; political subdivision's powers; licensing exemptions**

Sec. 1. (a) Except as provided in subsection (b), an individual may not install a manufactured home without first obtaining from the board a license authorizing the individual to install a manufactured home. A political subdivision may not require a licensee to submit to any other form of licensing except for that required by a political subdivision for onsite electrical, plumbing, or mechanical systems installation. However, this article does not limit the power of a political subdivision to regulate the quality and character of work performed by a licensee through the enforcement of building codes or conducting inspections.

(b) An individual acting at all times at the direction and under the supervision of a licensed installer need not be licensed in order to install a manufactured home. A licensee is fully responsible for all installation work performed under the licensee's direction or supervision.

(c) This section does not prohibit:

- (1) a manufactured housing community owner;
  - (2) a manufactured housing community manager; or
  - (3) the employees of a person described in subdivision (1) or (2);
- from providing maintenance to an installation if that maintenance does not otherwise require a license by a political subdivision for onsite electrical, plumbing, or mechanical systems installation.

*As added by P.L. 162-2002, SEC. 7.*

#### **IC 25-23.7-5-2 Licensing requirements**

Sec. 2. An individual who applies for a license as an installer of a manufactured home must do the following:

(1) Furnish evidence satisfactory to the board showing that the individual:

- (A) is at least eighteen (18) years of age;
- (B) has successfully completed the board approved installation training course;
- (C) has successfully completed a board approved course concerning Indiana law regarding:

### **INDIANA CODE § 25-23.7-4**

#### **Chapter 4. Licensing Agency; Board Secretary**

- (i) the installation requirements for manufactured homes; and
- (ii) the state department of health requirements that apply to manufactured homes;

(D) has:

- (i) at least one (1) year of experience installing manufactured homes under the direction and supervision of a licensed installer; or
- (ii) three (3) references, two (2) of whom are licensed installers familiar with the individual's work experience and competency; and

(E) has not been:

- (i) convicted of an act that would constitute a ground for disciplinary action under this article; or
- (ii) the subject of a disciplinary action by the licensing or certification agency of another state or jurisdiction in connection with the installation of manufactured homes.

(2) Verify the information submitted on the application form.

(3) Submit proof of insurance or a surety bond:

- (A) issued by an insurance or a surety company authorized to transact business in Indiana;
- (B) in an amount determined by the board; and
- (C) with the terms and conditions established by the board.

(4) Pay the fee established by the board.

*As added by P.L. 162-2002, SEC.7.*

#### **IC 25-23.7-5-3 Application form**

Sec. 3. An individual applying for a license as an installer of manufactured homes must apply on a form prescribed and provided by the board.

*As added by P.L. 162-2002, SEC.7.*

#### **IC 25-23.7-5-4 License denial; remedies**

Sec. 4. An individual who is denied a license under this article has the remedies prescribed under IC 4-21.5.

*As added by P.L. 162-2002, SEC.7.*

### **INDIANA CODE § 25-23.7-6**

#### **Chapter 6. Renewal of License**

##### **IC 25-23.7-6-1 Expiration of license**

Sec. 1. Notwithstanding IC 25-1-2, the holder of a license issued under IC 25-23.7-5 must renew the license and pay the required renewal fee every four (4) years after it is issued on or before the date established by the Indiana Professional Licensing Agency under IC 25-1-6-4.

*As added by P.L. 162-2002, SEC.7. As amended by P.L. 157-2006, SEC.63.*

##### **IC 25-23.7-6-2 License renewal requirements**

Sec. 2. An individual who applies to renew a license as an installer of a manufactured home must:

- (1) furnish evidence showing successful completion of the continuing education requirements of this chapter; and
- (2) pay the renewal fee established by the board.

*As added by P.L. 162-2002, SEC.7.*

##### **IC 25-23.7-6-3 Renewal notices; renewal fee**

Sec. 3. (a) Renewal notices must be sent in accordance with IC 25-1-2-6(c).

(b) The renewal fee must be paid in accordance with IC 25-1-8-2(d).

*As added by P.L. 162-2002, SEC.7.*

#### **IC 25-23.7-6-4 Continuing education requirements**

Sec. 4. Each licensed installer must complete the continuing education required by the board before the end of each license renewal period.

*As added by P.L. 162-2002, SEC.7.*

#### **IC 25-23.7-6-5 Adoption of rules concerning continuing education**

Sec. 5. (a) The board shall adopt rules concerning the continuing education required for the renewal of a license under this chapter.

(b) The rules must do the following:

- (1) Establish procedures for approving organizations that provide continuing education.
- (2) Prescribe the content, duration, and organization of continuing education courses that contribute to the general competence of installers.

*As added by P.L. 162-2002, SEC.7. Amended by P.L. 194-2005, SEC.68.*

### **INDIANA CODE § 25-23.7-7**

#### **Chapter 7. Disciplinary Proceedings; Enforcement**

##### **IC 25-23.7-7-1 Disciplinary actions**

Sec. 1. The board may take disciplinary action against a licensee for any of the following violations:

- (1) Violating this article or rules adopted by the board under this article.
- (2) Making a false or material misleading representation:
  - (A) in a license application form or renewal form; or
  - (B) in information provided to the board.
- (3) Failing to pay fees or fines required under this article.
- (4) Communicating to the public false or misleading information concerning the license held.
- (5) Failing to complete the continuing education requirements established by the board.

*As added by P.L. 162-2002, SEC.7.*

##### **IC 25-23.7-7-2 Disciplinary hearings**

Sec. 2. The procedures set forth in IC 4-21.5 govern the board's conduct of disciplinary hearings.

*As added by P.L. 162-2002, SEC.7.*

##### **IC 25-23.7-7-3 License suspension**

Sec. 3. The board may summarily suspend a license for up to ninety (90) days before a final adjudication or during an appeal of the board's determination if the board finds that the licensee represents a clear and immediate danger to the public's health, safety, or property if the licensee is allowed to install manufactured homes. The summary suspension may be renewed, upon a hearing before the board, for up to ninety (90) days.

*As added by P.L. 162-2002, SEC.7.*

##### **IC 25-23.7-7-4 Show cause order; cease and desist order**

Sec. 4. (a) When the board determines that an individual not licensed under this article is engaged in or believed to be engaged in activities for which a license is required under this article, the board may issue an order to that individual requiring the individual to show cause why the individual should not be ordered to cease and desist from such activities. The show cause order must set forth a time and place for a hearing at which the affected individual may appear and show cause as to why the individual should not be subject to licensing under this article.

(b) If the board, after a hearing, determines that the activities in which the individual is engaged are subject to licensing under this article, the board may issue a cease and desist order that describes the individual and activities that are the subjects of the order.

(c) A cease and desist order issued under this section is enforceable in the circuit or superior courts.

*As added by P.L. 162-2002, SEC. 7.*

#### **IC 25-23.7-7-5 Criminal violations**

Sec. 5. An individual who:

- (1) engages in or offers to engage in the installation of a manufactured home without being licensed or without being exempt from licensing under Indiana law;
- (2) presents as the individual's own the license of another;
- (3) intentionally gives false or materially misleading information of any kind to the board or to a board member in connection with licensing matters;
- (4) impersonates another licensee;
- (5) uses an expired, suspended, or revoked license; or
- (6) otherwise violates this article;

commits a Class B misdemeanor.

*As added by P.L. 162-2002, SEC. 7.*

#### **IC 25-23.7-7-6 Judicial review**

Sec. 6. An individual who applies for and is denied a license or a licensee who is aggrieved by an order or a determination of the board is entitled to a judicial review under IC 4-21.5.

*As added by P.L. 162-2002, SEC. 7.*

#### **IC 25-23.7-7-7 Board legal adviser**

Sec. 7. The attorney general shall act as the legal adviser for the board and provide any legal assistance necessary to carry out this article.

*As added by P.L. 162-2002, SEC. 7.*

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### **INDIANA CODE § 25-23.7-8**

#### **Chapter 8. Installation in a Mobile Home Community**

##### **IC 25-23.7-8-1 Application of chapter**

Sec. 1. This chapter applies to the installation of a manufactured home in a mobile home community.

*As added by P.L. 87-2005, SEC. 37.*

##### **IC 25-23.7-8-2 Necessity of license**

Sec. 2. An installation described in section 1 of this chapter must be performed:

- (1) by a person licensed under this article; and
- (2) in accordance with the manufacturer's installation instructions.

*As added by P.L. 87-2005, SEC. 37.*

##### **IC 25-23.7-8-3 Modification of utilities**

Sec. 3. Utilities and other facilities that served a mobile home or manufactured home formerly installed in a mobile home community may be modified and used for an installation.

*As added by P.L. 87-2005, SEC. 37.*

##### **IC 25-23.7-8-4 Modified or expanded supports**

Sec. 4. Supports that served a mobile home or manufactured home formerly installed in a mobile home community may be modified or expanded to use for an installation. However, upon completion of the installation, the supports must be adequate to serve the mobile home or manufactured home that is installed.

*As added by P.L. 87-2005, SEC. 37.*

##### **IC 25-23.7-8-5 Installation location**

Sec. 5. (a) An existing location within a mobile home community that is:

- (1) valid and conforming; or

(2) valid and nonconforming;

under a local ordinance may be modified or expanded to provide adequate support and utilities for an installation described in section 1 of this chapter.

(b) A location modified or expanded under subsection (a) retains the status that the location possessed under the local ordinance before the modification or expansion.

(c) If an installation on a location described in subsection (a) is installed in accordance with rules adopted under IC 16-41-27, the location is not considered new work or new construction.

*As added by P.L. 87-2005, SEC. 37. As amended by P.L. 21-2006, SEC. 1.*

##### **IC 25-23.7-8-6**

Sec. 6. (a) This section applies to a person that installs a manufactured home in a mobile home community after June 30, 2007.

(b) A person shall supply a weather radio inside each manufactured home that the person installs. The weather radio must be equipped with the following features:

- (1) Tone alarm activation.
- (2) Specific alert message encoding, or SAME, technology.
- (3) Public alert standard (CEA-2009) certification.

(c) The supplying of a weather radio by a person who installs a manufactured home as required by this section does not subject the person to liability for the functionality of that weather radio.

*As added by P.L. 31-2007, SEC. 2.*

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INDIANA CODE § 25-1

ARTICLE 1. GENERAL PROVISIONS

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INDIANA CODE § 25-1-1

Chapter 1. Evidence of License Applicant's Payment of Personal Property Taxes Required

**IC 25-1-1-1 Issuance of license; evidence of payment of personal property tax**

Sec. 1. It is unlawful for any board, officer, or person to issue any license, as defined in section 2 of this chapter, to any person who is a resident of this state, unless the applicant, at the time he applies for such license, submits, in addition to all other requirements prescribed by law, a receipt or other evidence showing that he has paid all his personal property taxes in full. "Other evidence" in the case of all licenses issued by the bureau of motor vehicles means a statement signed by the treasurer of the county in which the applicant is a resident that the applicant has paid all personal taxes assessed against him, including all delinquent personal property tax; or, if the applicant owns no personal property subject to taxation, a signed statement from the assessor of the county in which the applicant resides certifying that he has made an affidavit to the effect that he owes no delinquent personal property tax in any county in Indiana.

(Formerly: Acts 1931, c. 124, s.1; Acts 1941, c.61, s.1; Acts 1943, c.124, s.1; Acts 1953, c.208, s.1.) As amended by Acts 1978, P.L.2, SEC.2501.

**IC 25-1-1-2 License defined**

Sec. 2. The term "license" as used in this chapter shall be construed to mean and include motor vehicle registration licenses, certificates of title showing the ownership of any motor vehicle, except those classed as passenger vehicles.

(Formerly: Acts 1931, c. 124, s.2; Acts 1972, P.L.183, SEC.1.)

**IC 25-1-1-3 Repealed**

(Repealed by Acts 1978, P.L.2, SEC.2570.)

**IC 25-1-1-4 Repealed**

(Repealed by Acts 1978, P.L.2, SEC.2570.)

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INDIANA CODE § 25-1-1.1

Chapter 1.1. Effect of Criminal Convictions on Licensed or Registered Persons

**IC 25-1-1.1-1 Denial, revocation, or suspension of license or certificate of registration; conviction of crime**

Sec. 1. Except as provided under sections 2 through 3 of this chapter, a license or certificate of registration that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(Formerly: Acts 1973, P.L.249, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2502; P.L.67-1990, SEC.6.

**IC 25-1-1.1-2 Suspension or revocation of license or certificate; conviction for drug related offense**

Sec. 2. A board, a commission, or a committee may suspend or revoke a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- (9) Maintaining a common nuisance under IC 35-48-4-13.
- (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
- (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
- (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).

As added by P.L.67-1990, SEC.7. Amended by P.L.1-1991, SEC.162; P.L.17-2001, SEC.5; P.L.151-2006, SEC.10.

**IC 25-1-1.1-3 Suspension or revocation of license or certificate; conviction for additional drug related offenses**

Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).
- (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).
- (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).
- (12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).
- (13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

## INDIANA CODE § 25-1-1.2

### Chapter 1.2. Effect of Delinquency in Child Support Payments on Licensed or Registered Persons

#### IC 25-1-1.2-1 "Applicant" defined

Sec. 1. As used in this chapter, "applicant" means a person who applies for:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

As added by P.L. 133-1995, SEC. 19.

#### IC 25-1-1.2-2 "Board" defined

Sec. 2. As used in this chapter, "board" means an entity that regulates occupations or professions under this title and the department of education established by IC 20-19-3-1.

As added by P.L. 133-1995, SEC. 19. Amended by P.L. 1-2005, SEC. 191; P.L. 246-2005, SEC. 210.

#### IC 25-1-1.2-3 "Bureau" defined

Sec. 3. As used in this chapter, "bureau" means the child support bureau established by IC 31-25-3-1.

As added by P.L. 133-1995, SEC. 19. Amended by P.L. 145-2006, SEC. 157.

#### IC 25-1-1.2-4 "Delinquent" defined

Sec. 4. As used in this chapter, "delinquent" means at least:

- (1) two thousand dollars (\$2,000); or
- (2) three (3) months;

past due on payment of court ordered child support.

As added by P.L. 133-1995, SEC. 19. Amended by P.L. 23-1996, SEC. 18.

#### IC 25-1-1.2-5 "License" defined

Sec. 5. As used in this chapter, "license" has the meaning set forth in IC 25-1-2-6.

As added by P.L. 133-1995, SEC. 19.

#### IC 25-1-1.2-6 "Practitioner" defined

Sec. 6. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

As added by P.L. 133-1995, SEC. 19.

#### IC 25-1-1.2-7 Order for suspension or denial of license; notice to practitioner; contents; reinstatement

Sec. 7. (a) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall:

- (1) suspend the license of the practitioner; or
- (2) deny the application of the applicant;

who is the subject of the order.

(b) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(1) That the practitioner's license has been suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the board receives an order allowing reinstatement from the court that issued the suspension order.

(2) That the practitioner has the right to petition for reinstatement of the practitioner's license to the court that issued the order for suspension.

(c) The board may not reinstate a license suspended under this section until the board receives an order allowing reinstatement from the court that issued the order for suspension.

As added by P.L. 133-1995, SEC. 19. Amended by P.L. 23-1996, SEC. 19; P.L. 1-1997, SEC. 109.

#### IC 25-1-1.2-8 Notice of delinquency; contents; delinquency finding; probationary status; suspension; reinstatement

Sec. 8. (a) The board shall, upon receiving an order from the bureau under IC 31-25-4-32(e), send a notice to the practitioner identified by the bureau that includes the following:

(1) Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status.

(2) Describes the amount of child support that the practitioner is in arrears.

(3) Explains that unless the practitioner contacts the bureau and:

(A) pays the practitioner's child support arrearage in full;

(B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the board shall place the practitioner on probationary status.

(4) Explains that the practitioner may contest the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(5) Explains that the only basis for contesting the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status is a mistake of fact.

(6) Explains the procedures to:

(A) pay the practitioner's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

(C) request a hearing under IC 31-25-4-33.

(7) Explains that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the practitioner has:

(A) paid the practitioner's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) If the board is advised by the bureau that the practitioner either requested a hearing and failed to appear or appeared and was found to be delinquent, the board shall promptly mail a notice to the practitioner who is the subject of the order stating the following:

(1) That the practitioner's license has been placed on probationary status, beginning five (5) business days after the date the notice is

mailed, and that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the person has:

- (A) paid the person's child support arrearage in full; or
- (B) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

- (A) pay the person's child support arrearage in full; or
- (B) establish a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(c) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

- (1) pay the person's child support arrearage in full; or
- (2) establish a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(d) The board may not reinstate a license or permit placed on probation or suspended under this section until the board receives a notice from the bureau that the person has:

- (1) paid the person's child support arrearage in full; or
- (2) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

*As added by P.L. 133-1995, SEC. 19. Amended by P.L. 23-1996, SEC. 20; P.L. 1-1997, SEC. 110; P.L. 145-2006, SEC. 158; P.L. 103-2007, SEC. 7.*

#### **IC 25-1-1.2-9 Repealed**

*(Repealed by P.L. 23-1996, SEC. 33.)*

#### **IC 25-1-1.2-10 Repealed**

*(Repealed by P.L. 23-1996, SEC. 33.)*

### **INDIANA CODE § 25-1-2**

#### **Chapter 2. Renewal of Licenses Granted by State Agencies. Notice of Expiration**

##### **IC 25-1-2-1 Declaration of intent**

Sec. 1. It is the declared intent of the general assembly by the enactment of this law to require those agencies which are authorized to issue the licenses designated in section 2.1 of this chapter, in the interests of efficiency and economy in the administration of government, to issue such designated permits, licenses, certificates of registration, and other evidences of compliance with statute or regulation, and renewals thereof, for periods of two (2) years duration rather than upon an annual basis, and at the time of issuance or reissuance, or at the time designated by law for the collection of fees therefor, to require the payment of such fees for a period of two (2) years rather than for one (1) year.

*(Formerly: Acts 1961, c. 79, s. 1.) As amended by P.L. 1-1990, SEC. 246.*

##### **IC 25-1-2-2 Repealed**

*(Repealed by P.L. 1-1990, SEC. 247.)*

##### **IC 25-1-2-2.1 Two year or longer period for certain licenses**

Sec. 2.1. Rather than being issued annually, the following permits,

licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home community licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Hypnotists.
- (28) Athlete agents.
- (29) Manufactured home installers.
- (30) Home inspectors.
- (31) Massage therapists.

*As added by P.L. 1-1990, SEC. 248. Amended by P.L. 186-1990, SEC. 1; P.L. 183-1991, SEC. 1; P.L. 182-1991, SEC. 2; P.L. 25-1992, SEC. 26; P.L. 227-1993, SEC. 2; P.L. 124-1994, SEC. 1; P.L. 234-1995, SEC. 1; P.L. 175-1997, SEC. 2; P.L. 147-1997, SEC. 5; P.L. 84-1998, SEC. 1; P.L. 54-2001, SEC. 3; P.L. 162-2002, SEC. 1; P.L. 145-2003, SEC. 1; P.L. 87-2005, SEC. 31; P.L. 200-2007, SEC. 2.*

##### **IC 25-1-2-3 Authorization to issue and reissue two year licenses**

Sec. 3. Effective October 1, 1961, such licensing agencies as are authorized to issue any of the foregoing shall issue and reissue such licenses and collect the fees for the same on the basis of two (2) years and the dates by month and day which govern the issuance or reissuance of licenses for one (1) year shall govern the issuance or reissuance of licenses for two (2) years; provided, that entire fees for a two (2) year period shall be payable before issuance thereof on the day and month designated for payment of fees for one (1) year licenses. *(Formerly: Acts 1961, c. 79, s. 3.) As amended by Acts 1982, P.L. 154, SEC. 1.*

##### **IC 25-1-2-4 Rebates and proration of fees**

Sec. 4. Rebates and proration of fees for fractions of a biennium shall be allowed only with respect to the second year of such license if claim be made therefor before the expiration of the first year for which the

license was issued.  
(Formerly: Acts 1961, c.79, s.4.)

#### **IC 25-1-2-5 Rules and regulations**

Sec. 5. Notice shall be given and forms prepared by such licensing agencies as necessary to execute the provisions of this chapter and in order to expedite and effectuate the conversion from one (1) year licensing periods to those of two (2) years, such licensing agencies may adopt and promulgate such rules and regulations they may deem necessary in the manner prescribed by law.

(Formerly: Acts 1961, c.79, s.5.) As amended by Acts 1982, P.L.154, SEC.2.

#### **IC 25-1-2-6 Definitions; application of section; notice to licensee of need to renew**

Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.
- (8) Secretary of state.
- (9) State board of dentistry.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private investigator and security guard licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- (26) State boxing commission.
- (27) Board of chiropractic examiners.
- (28) Mining board.
- (29) Indiana board of veterinary medical examiners.
- (30) State department of health.
- (31) Indiana physical therapy committee.
- (32) Respiratory care committee.
- (33) Occupational therapy committee.
- (34) Social worker, marriage and family therapist, and mental health counselor board.
- (35) Real estate appraiser licensure and certification board.
- (36) State board of registration for land surveyors.
- (37) Physician assistant committee.
- (38) Indiana dietitians certification board.
- (39) Indiana hypnotist committee.
- (40) Attorney general (only for the regulation of athlete agents).

(41) Manufactured home installer licensing board.

(42) Home inspectors licensing board.

(43) State board of massage therapy.

(44) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

As added by Acts 1981, P.L.221, SEC.1. Amended by P.L.137-1985, SEC.5; P.L.246-1985, SEC.13; P.L.169-1985, SEC.22; P.L.149-1987, SEC.17; P.L.5-1988, SEC.132; P.L.28-1988, SEC.73; P.L.242-1989, SEC.4; P.L.234-1989, SEC.1; P.L.238-1989, SEC.4; P.L.186-1990, SEC.2; P.L.183-1991, SEC.2; P.L.23-1991, SEC.7; P.L.48-1991, SEC.12; P.L.2-1992, SEC.765; P.L.227-1993, SEC.3; P.L.33-1993, SEC.9; P.L.124-1994, SEC.2; P.L.175-1997, SEC.3; P.L.125-1997, SEC.17; P.L.147-1997, SEC.6; P.L.253-1997(ss), SEC.22; P.L.24-1999, SEC.2; P.L.82-2000, SEC.2; P.L.54-2001, SEC.4; P.L.162-2002, SEC.2; P.L.145-2003, SEC.2; P.L.185-2007, SEC.1; P.L.200-2007, SEC.3.

#### **IC 25-1-2-7 Application of IC 25-1-2-6**

Sec. 7. Section 6 of this chapter applies to the mining board (IC 22-10-1.5-2).

As added by P.L.37-1985, SEC.56.

#### **IC 25-1-2-8 Application of chapter; fees**

Sec. 8. This chapter applies to the imposition and collection of fees under the following:

- IC 14-24-10
- IC 16-19-5-2
- IC 25-30-1-17
- IC 33-42-2-1.

As added by P.L.5-1988, SEC.133. Amended by P.L.2-1993, SEC.135; P.L.1-1995, SEC.69; P.L.98-2004, SEC.98.

#### **IC 25-1-2-9 Repealed**

(Repealed by P.L. 194-2005, SEC. 87.)

### **INDIANA CODE § 25-1-3**

#### **Chapter 3. Civil Immunity of Regulatory Agencies**

##### **IC 25-1-3-1 Definitions**

Sec. 1. (a) As used in this chapter, the term "regulatory board" means any state board, commission, or state agency which licenses persons in order to regulate the practice of a particular profession or professions.

(b) As used in this chapter, the term "board members" means members of a regulatory board.

(c) As used in this chapter, the term "secretary" means the executive secretary or other person charged with the administration of the affairs of a regulatory board.

(Formerly: Acts 1975, P.L.268, SEC.1.)

##### **IC 25-1-3-2 Extent of immunity from civil liability**

Sec. 2. The board members, the secretary, his staff, counsel, investigators and hearing officer of every regulatory board, except as provided in section 4 of this chapter, shall be immune from civil liability for damages for conduct within the scope and arising out of the performance of their duties. This section shall not be construed to include civil actions

for damages not directly related to the investigative process and shall apply only to the process for the finding of fact of the regulatory board.  
(Formerly: Acts 1975, P.L. 268, SEC. 1.)

#### **IC 25-1-3-3 Immunity from civil liability; statements in course of investigatory hearing or review proceedings**

Sec. 3. Any person shall be immune from civil liability for damages for any sworn or written statements, made without malice, and transmitted to the regulatory board, executive secretary, or his staff, or made in the course of investigatory, hearing or review proceedings.  
(Formerly: Acts 1975, P.L. 268, SEC. 1.)

#### **IC 25-1-3-4 Regulatory boards covered**

Sec. 4. The provisions of this chapter extend to every regulatory board of the state except the disciplinary commission of the supreme court of Indiana which is protected under IC 1971, 33-2-3-1.  
(Formerly: Acts 1975, P.L. 268, SEC. 1.)

### **INDIANA CODE § 25-1-4**

#### **Chapter 4. Continuing Education**

##### **IC 25-1-4-0.2 "Approved organization" defined**

Sec. 0.2. As used in this chapter, "approved organization" refers to the following:

- (1) United States Department of Education.
- (2) Council on Post-Secondary Education.
- (3) Joint Commission on Accreditation of Hospitals.
- (4) Joint Commission on Healthcare Organizations.
- (5) Federal, state, and local government agencies.
- (6) A college or other teaching institution accredited by the United States Department of Education or the Council on Post-Secondary Education.
- (7) A national organization of practitioners whose members practicing in Indiana are subject to regulation by a board or agency regulating a profession or occupation under this title or IC 15.
- (8) A national, state, district, or local organization that operates as an affiliated entity under the approval of an organization listed in subdivisions (1) through (7).
- (9) An internship or a residency program conducted in a hospital that has been approved by an organization listed in subdivisions (1) through (7).
- (10) Any other organization or individual approved by the board.

As added by P.L. 157-2006, SEC. 10.

##### **IC 25-1-4-0.3 "Board" defined**

Sec. 0.3. As used in section 3 of this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32).
- (13) State board of funeral and cemetery service (IC 25-15-9).

- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23.7).
- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27-1).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35.6-2).
- (36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

As added by P.L. 269-2001, SEC. 2. Amended by P.L. 157-2006, SEC. 11; P.L. 185-2007, SEC. 2.

##### **IC 25-1-4-0.5 "Continuing education" defined**

Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction:

- (1) that is approved by:
  - (A) an approved organization or the board for a profession or occupation other than a real estate appraiser; or
  - (B) for a real estate appraiser:
    - (i) the Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989; or
    - (ii) the real estate appraiser licensure and certification board established under IC 25-34.1-8 for specific courses and course subjects, as determined by the real estate appraiser licensure and certification board; and
- (2) that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

As added by P.L. 157-2006, SEC. 12. Amended by P.L. 57-2007, SEC. 1.

##### **IC 25-1-4-0.6 "Practitioner" defined**

Sec. 0.6. As used in section 3 of this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued by the board regulating the profession in question.

As added by P.L. 269-2001, SEC. 3.

##### **IC 25-1-4-1 Requirement**

Sec. 1. No board or agency regulating a profession or occupation under this title or under IC 15, IC 16, or IC 22 may require continuing

education as a condition of certification, registration, or licensure unless so specifically authorized or mandated by statute.

*As added by Acts 1981, P.L. 222, SEC. 1.*

#### **IC 25-1-4-2 Promotion**

Sec. 2. A board or agency regulating a profession or occupation under this title or under IC 15, IC 16, or IC 22 may cooperate with members of the profession or occupation it regulates to promote continuing education within the profession or occupation.

*As added by Acts 1981, P.L. 222, SEC. 1.*

#### **IC 25-1-4-3 Sworn statements of compliance; retention of copies of certificates of completion; audits**

Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification, or license must require a practitioner to comply with the following renewal requirements:

(1) The practitioner shall provide the board with a sworn statement executed by the practitioner that the practitioner has fulfilled the continuing education requirements required by the board.

(2) The practitioner shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The practitioner shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.

(b) Following every license renewal period, the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

*As added by P.L. 269-2001, SEC. 4. Amended by P.L. 157-2006, SEC. 13.*

#### **IC 25-1-4-3.2 Distance learning methods**

Sec. 3.2. A board or agency regulating a profession or occupation under this title or under IC 15, IC 16, or IC 22 shall require that at least one-half (50%) of all continuing education requirements must be allowed by distance learning methods, except for doctors, nurses, chiropractors, optometrists and dentists.

*As added by P.L. 227-2001, SEC. 1.*

#### **IC 25-1-4-4 Hardship waiver**

Sec. 4. A board, a commission, a committee, or an agency regulating a profession or occupation under this title or under IC 15, IC 16, or IC 22 may grant an applicant a waiver from all or part of the continuing education requirement for a renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following:

(1) Service in the armed forces of the United States during a substantial part of the renewal period.

(2) An incapacitating illness or injury.

(3) Other circumstances determined by the board or agency.

*As added by P.L. 88-2004, SEC. 1.*

#### **IC 25-1-4-5 Failure to comply; license suspension; penalties; reinstatement requirements**

Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter or IC 25-1-8-6 at the time that the practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board shall do the following:

(1) Send the practitioner notice of noncompliance by certified mail.

(2) As a condition of license renewal or reinstatement, require the practitioner to comply with subsection (b).

(3) For license renewal, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

(b) Upon receipt of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:

(1) If the practitioner believes that the practitioner has complied with this chapter or IC 25-1-8-6, if applicable, within twenty-one (21) days of receipt of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.

(2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:

(A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000) within twenty-one (21) days of receipt of the notice.

(B) Acquire, within six (6) months after receiving the notice, the number of credit hours needed to achieve full compliance.

(C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend or refuse to reinstate the license of the practitioner and send notice of the suspension or refusal to the practitioner by certified mail.

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under subsection (b)(2)(A).

(e) The board shall:

(1) reinstate a practitioner's license; or

(2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) or IC 25-1-8-6, if applicable.

*As added by P.L. 157-2006, SEC. 14. Amended by P.L. 197-2007, SEC. 17.*

#### **IC 25-1-4-6 Failure to comply; denial of license renewal; penalties**

Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter or IC 25-1-8-6, if applicable, and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:

(1) Provide the practitioner notice of noncompliance by certified mail.

(2) Deny the practitioner's application for license renewal or reinstatement.

(b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:

(1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars (\$1,000).

(2) Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.

(3) The practitioner otherwise complies with this chapter.

*As added by P.L. 157-2006, SEC. 15. Amended by P.L. 197-2007, SEC. 18.*

#### **IC 25-1-4-7 Credit Hours**

Sec. 7. Credit hours acquired by a practitioner under section 5(b)(2) or 6(b)(2) of this chapter may not apply to the practitioner's credit hour requirement for the license period in which the credit hours are acquired.

*As added by P.L. 157-2006, SEC. 16.*

#### IC 25-1-4-8 Rules

Sec. 8. The board may adopt rules under IC 4-22-2 to implement this chapter.

*As added by P.L. 157-2006, SEC. 17.*

### INDIANA CODE § 25-1-6

#### Chapter 6. Professional Licensing Agency

##### IC 25-1-6-1 Legislative intent

Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the licensing agency's ability to:

- (1) make maximum use of data processing as a means of more efficient operation;
- (2) provide more services and carry out functions of superior quality; and
- (3) ultimately and significantly reduce the number of staff needed to provide these services and carry out these functions.

*As added by Acts 1981, P.L. 222, SEC. 3. Amended by P.L. 132-1984, SEC. 2; P.L. 194-2005, SEC. 1.*

##### IC 25-1-6-2 Definitions

Sec. 2. As used in this chapter:

"Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

"Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.

*As added by Acts 1981, P.L. 222, SEC. 3. Amended by P.L. 132-1984, SEC. 3; P.L. 206-2005, SEC. 8.*

##### IC 25-1-6-3 Indiana professional licensing agency; functions, duties, and responsibilities

Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- (12) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (13) State board of registration for land surveyors (IC 25-21.5-2-1).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).
- (16) State board of massage therapy (IC 25-21.8-2-1).

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

*As added by Acts 1981, P.L. 222, SEC. 3. Amended by Acts 1982, P.L. 113, SEC. 10; P.L. 132-1984, SEC. 4; P.L. 246-1985, SEC. 14; P.L. 257-1987, SEC. 14; P.L. 234-1989, SEC. 2; P.L. 186-1990, SEC. 4; P.L. 23-*

*1991, SEC. 8; P.L. 48-1991, SEC. 15; P.L. 1-1992, SEC. 129; P.L. 30-1993, SEC. 4; P.L. 234-1995, SEC. 2; P.L. 82-2000, SEC. 3; P.L. 227-2001, SEC. 3; P.L. 162-2002, SEC. 3; P.L. 145-2003, SEC. 3; P.L. 194-2005, SEC. 2; P.L. 206-2005, SEC. 9; P.L. 185-2007, SEC. 3; P.L. 200-2007, SEC. 4.*

##### IC 25-1-6-4 Additional duties and functions; staff

Sec. 4. (a) The licensing agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;
- (2) recordkeeping of board meetings, proceedings, and actions;
- (3) recordkeeping of all persons or individuals licensed, regulated, or certified by a board;
- (4) administration of examinations; and
- (5) administration of license or certificate issuance or renewal

(b) In addition, the licensing agency:

- (1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
- (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize licensing agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and
- (3) may consolidate, where feasible, office space, recordkeeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the licensing agency shall issue a sixty (60) day notice of expiration to all holders of a license or certificate. The notice must inform the holder of a license or certificate of the requirements to:

- (1) renew the license or certificate; and
- (2) pay the renewal fee.

(d) If the licensing agency fails to send notice of expiration under subsection (c), the holder of the license or certificate is not subject to a sanction for failure to renew if the holder renews the license or certificate not more than forty-five (45) days after the holder receives the notice from the licensing agency.

(e) The licensing agency may require an applicant for a license or certificate renewal to submit evidence showing that the applicant:

- (1) meets the minimum requirements for licensure or certification; and
- (2) is not in violation of:
  - (A) the law regulating the applicant's profession; or
  - (B) rules adopted by the board regulating the applicant's profession.

(f) The licensing agency may delay renewing a license or certificate for not more than ninety (90) days after the renewal date to permit the board to investigate information received by the licensing agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the licensing agency delays renewing a license or certificate, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (g), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

- (1) Deny renewal of the license or certificate following a personal appearance by the applicant before the board.
- (2) Renew the license or certificate upon satisfaction of all other requirements for renewal.
- (3) Renew the license and file a complaint under IC 25-1-7.
- (4) Request the office of the attorney general to conduct an investigation under subsection (h) if, following a personal appearance by the applicant before the board, the board has good

cause to believe that the applicant engaged in activity described in IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license or certificate and place the applicant on probation status under IC 25-1-11-12.

(g) If an applicant fails to appear before the board under subsection (f), the board may take action as provided in subsection (f)(1), (f)(2), or (f)(3).

(h) If the board makes a request under subsection (f)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds the applicant violated IC 25-1-11-5, the board may impose sanctions under IC 25-1-11-12. The board may delay renewing a license or certificate beyond ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license or certificate remains valid until the final determination of the board is rendered unless the renewal is:

(1) denied; or

(2) summarily suspended under IC 25-1-11-13.

(i) The license or certificate of the applicant for license renewal remains valid during the ninety (90) day period unless the license or certificate is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license or certificate shall be automatically renewed at the end of the ninety (90) day period.

(j) Notwithstanding any other law, the licensing agency may stagger license or certificate renewal cycles.

(k) An application for a license or certificate is abandoned without an action by the board if the applicant does not complete the requirements for obtaining the license or certificate not more than one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

*As added by Acts 1981, P.L. 222, SEC. 3. Amended by P.L. 132-1984, SEC. 5; P.L. 194-2005, SEC. 3.*

#### **IC 25-1-6-5 Executive director**

Sec. 5. (a) The licensing agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the licensing agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the licensing agency and is responsible for hiring of all staff and for procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the licensing agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint no more than three (3) deputy directors, who must be qualified to work for the boards which are served by the licensing agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the licensing agency to execute a bond if that employee receives, disburses, or in any way handles funds or

property of the licensing agency. The costs of any such bonds shall be paid from funds available to the licensing agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the licensing agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) Upon the request of a board or commission, the executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of the board or commission.

(h) Upon the request of a board or commission, the executive director may provide advice and technical assistance on issues that may be presented to the board or commission.

*As added by Acts 1981, P.L. 222, SEC. 3. Amended by Acts 1982, P.L. 113, SEC. 11; P.L. 132-1984, SEC. 6; P.L. 49-1997, SEC. 64; P.L. 194-2005, SEC. 4.*

#### **IC 25-1-6-5.5 Appeal of license renewal denial**

Sec. 5.5. A person who has a license renewal denied by a board listed in section 3 of this chapter may file an appeal of the denial in accordance with IC 4-21-5-3.

*As added by P.L. 227-2001, SEC. 4. Amended by P.L. 1-2002, SEC. 95; P.L. 194-2005, SEC. 5.*

#### **IC 25-1-6-6 Executive director; representatives; staff placement**

Sec. 6. (a) The executive director shall designate certain employees of the licensing agency to represent the executive director of the licensing agency at board meetings, proceedings, or any other activities of a board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

*As added by Acts 1981, P.L. 222, SEC. 3. Amended by P.L. 132-1984, SEC. 7.*

#### **IC 25-1-6-7 Repealed**

*(Repealed by P.L. 186-1990, SEC. 17.)*

#### **IC 25-1-6-8 Department of state revenue; access to names of licensees and applicants; persons on tax warrant list**

Sec. 8. (a) The bureau and the boards may allow the department of state revenue access to the name of each person who:

(1) is licensed under this chapter or IC 25-1-5; or

(2) has applied for a license under this chapter or IC 25-1-5.

(b) If the department of state revenue notifies the licensing agency that a person is on the most recent tax warrant list, the licensing agency may not issue or renew the person's license until:

(1) the person provides to the licensing agency a statement from the department of revenue that the person's delinquent tax liability has been satisfied; or

(2) the licensing agency receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

*As added by P.L. 26-1985, SEC. 20. Amended by P.L. 332-1989(ss), SEC. 46; P.L. 2-2005, SEC. 63; P.L. 206-2005, SEC. 10.*

#### **IC 25-1-6-9 Repealed**

*(Repealed by P.L. 186-1990, SEC. 17.)*

#### **IC 25-1-6-10 Provision of social security numbers; access to numbers**

Sec. 10. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the licensing agency.



(b) The licensing agency and the boards shall collect and release the applicant's or licensee's Social Security number as otherwise provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the licensing agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

- (1) a testing service that provides the examination for licensure to the licensing agency or the boards; or
- (2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

As added by P.L. 157-2006, SEC. 19.

## INDIANA CODE § 25-1-7

### Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations

#### IC 25-1-7-1 Definitions

Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.

(24) Respiratory care committee (IC 25-34.5).

(25) Private investigator and security guard licensing board (IC 25-30-1-5.2).

(26) Occupational therapy committee (IC 25-23.5).

(27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).

(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(29) State board of registration for land surveyors (IC 25-21.5-2-1).

(30) Physician assistant committee (IC 25-27.5).

(31) Indiana athletic trainers board (IC 25-5.1-2-1).

(32) Indiana dietitians certification board (IC 25-14.5-2-1).

(33) Indiana hypnotist committee (IC 25-20.5-1-7).

(34) Indiana physical therapy committee (IC 25-27).

(35) Manufactured home installer licensing board (IC 25-23.7).

(36) Home inspectors licensing board (IC 25-20.2-3-1).

(37) State board of massage therapy (IC 25-21.8-2-1).

(38) State department of health

(39) Any other occupational or professional agency created after June 30, 1981.

As added by Acts 1981, P.L. 222, SEC. 4. Amended by Acts 1982, P.L. 113, SEC. 12; P.L. 137-1985, SEC. 7; P.L. 246-1985, SEC. 15; P.L. 169-1985, SEC. 29; P.L. 149-1987, SEC. 21; P.L. 257-1987, SEC. 15; P.L. 242-1989, SEC. 6; P.L. 234-1989, SEC. 3; P.L. 238-1989, SEC. 6; P.L. 1-1990, SEC. 249; P.L. 186-1990, SEC. 5; P.L. 183-1991, SEC. 3; P.L. 23-1991, SEC. 9; P.L. 48-1991, SEC. 16; P.L. 1-1992, SEC. 130; P.L. 30-1993, SEC. 5; P.L. 227-1993, SEC. 5; P.L. 213-1993, SEC. 2; P.L. 8-1993, SEC. 371; P.L. 33-1993, SEC. 11; P.L. 1-1994, SEC. 120; P.L. 124-1994, SEC. 4; P.L. 234-1995, SEC. 3; P.L. 175-1997, SEC. 5; P.L. 147-1997, SEC. 8; P.L. 84-1998, SEC. 3; P.L. 24-1999, SEC. 4; P.L. 82-2000, SEC. 4; P.L. 162-2002, SEC. 4; P.L. 145-2003, SEC. 4; P.L. 185-2007, SEC. 4; P.L. 193-2007, SEC. 4; P.L. 200-2007, SEC. 5.

#### IC 25-1-7-2 Duties of attorney general

Sec. 2. The office of the attorney general, under the conditions specified in this chapter, may receive, investigate, and prosecute complaints concerning regulated occupations.

As added by Acts 1981, P.L. 222, SEC. 4.

#### IC 25-1-7-3 Investigation of complaints

Sec. 3. The division is responsible for the investigation of complaints concerning licensees.

As added by Acts 1981, P.L. 222, SEC. 4.

#### IC 25-1-7-4 Complaints; requisites; standing

Sec. 4. All complaints must be written and signed by the complainant and initially filed with the director. Except for employees of the attorney general's office acting in their official capacity, a complaint may be filed by any person, including members of any of the boards listed in section 1 of this chapter.

As added by Acts 1981, P.L. 222, SEC. 4.

#### IC 25-1-7-5 Duties and powers of director

Sec. 5. (a) Subsection (b)(1) does not apply to:

(1) a complaint filed by:

(A) a member of any of the boards listed in section 1 of this chapter; or

(B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) The director has the following duties and powers:

(1) The director shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation that board thereby acquiring jurisdiction over the matter except as otherwise provided in this chapter.

(2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.

(3) The director shall report any pertinent information regarding the status of the complaint to the complainant.

(4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.

(5) The director has the power to subpoena witnesses and to send for and compel the production of books, records, papers, and documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where the subpoena is to be issued shall enforce any such subpoena by the director.

*As added by Acts 1981, P.L. 222, SEC.4. Amended by P.L.22-1999, SEC.2; P.L. 14-2000, SEC.55; P.L. 206-2005, SEC. 11.*

#### **IC 25-1-7-6 Statement of settlement; period of time to resolve**

Sec. 6. (a) This section does not apply to:

(1) a complaint filed by:

(A) a member of any of the boards listed in section 1 of this chapter; or

(B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) If, at any time before the director files the director's recommendations with the attorney general, the board files with the director a statement signed by the licensee and the complainant that the complaint has been resolved, the director shall not take further action. For a period of thirty (30) days after the director has notified the board and the licensee that a complaint has been filed, the division shall not conduct any investigation or take any action whatsoever, unless requested by the board. If, during the thirty (30) days, the board requests an extension of the thirty (30) day time period, the director shall grant it for a period not exceeding an additional twenty (20) days. If at any time during the thirty (30) day period or an extension thereof, the board notifies the director of its intention not to proceed further to resolve the complaint, the division may proceed immediately under this chapter. For every purpose of this section, a board may designate a board member or staff member to act on behalf of or in the name of the board.

*As added by Acts 1981, P.L. 222, SEC.4. Amended by P.L.22-1999, SEC.3; P.L. 206-2005, SEC. 12.*

#### **IC 25-1-7-7 Disciplinary sanctions; report to attorney general; prosecution; hearing officer**

Sec. 7. (a) If there has been no statement of settlement filed by the board under section 6 of this chapter, and if, after conducting an investigation, the director believes that the licensee should be subjected to disciplinary sanctions by the board of his regulated occupation, then he shall so report to the attorney general. Upon receiving the director's report, the attorney general may prosecute the matter, on behalf of the state of Indiana, before the board. The board may designate any person as a hearing officer to hear the matter.

(b) Notwithstanding subsection (a) of this section, if the board by majority vote so requests, the attorney general shall prosecute the matter before the board, on behalf of the state of Indiana.

*As added by Acts 1981, P.L. 222, SEC.4.*

#### **IC 25-1-7-8 Witnesses**

Sec. 8. At the hearing, the board or hearing officer may call witnesses in addition to those presented by the state or the licensee.

*As added by Acts 1981, P.L. 222, SEC.4.*

#### **IC 25-1-7-9 Disqualification of board member**

Sec. 9. A board member is disqualified from any consideration of the case if the board member filed the complaint or participated in negotiations regarding the complaint. The board member is not disqualified from the board's final determination solely because the board member was the hearing officer or determined the complaint and the information pertaining to the complaint was current significant investigative information (as defined by IC 25-23.2-1-5 (Repealed)).

*As added by Acts 1981, P.L. 222, SEC.4. Amended by P.L.181-2002, SEC.1; P.L. 1-2007, SEC.166.*

#### **IC 25-1-7-10 Confidentiality of complaints and information**

Sec. 10. (a) All complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general's intent to prosecute the licensee.

(b) A person in the employ of the office of attorney general or any of the boards, or any person not a party to the complaint, may not disclose or further a disclosure of information concerning the complaint unless the disclosure is required:

(1) under law; or

(2) for the advancement of an investigation.

*As added by Acts 1981, P.L. 222, SEC.4. Amended by P.L.181-2002, SEC.2; P.L. 1-2007, SEC.167.*

#### **IC 25-1-7-11 Administrative orders and procedures**

Sec. 11. Nothing in this chapter limits the rights of the licensee or the state under IC 4-21.5.

*As added by Acts 1981, P.L. 222, SEC.4. Amended by P.L.7-1987, SEC.110.*

#### **IC 25-1-7-12 Reimbursement of attorney general**

Sec. 12. (a) If:

(1) a fund is created by statute for the payment of an unpaid judgment against a licensee; and

(2) the office of the attorney general is required by statute to provide services to the boards that administer the funds described in subdivision (1);

the office of the attorney general is entitled to reimbursement for the costs incurred in providing the services described in subdivision (2).

(b) If:

(1) more than one (1) fund is established by statute for the payment of an unpaid judgment against a licensee; and

(2) the office of the attorney general is entitled to reimbursement under subsection (a);

the funds for reimbursement shall be taken in equal amounts from each of the funds described in subdivision (1).

*As added by P.L.255-1987, SEC.1.*

#### **IC 25-1-7-13 Reports; contents**

Sec. 13. The office of the attorney general shall submit to each board, at the request of the board, a report that includes the following information concerning that regulated occupation:

(1) The number of complaints filed.

(2) The number of cases currently under investigation.

(3) The number of cases closed.

(4) The number of cases resolved.

(5) The age of the complaints.

*As added by P.L.177-1997, SEC.1.*

## INDIANA CODE § 25-1-8

### Chapter 8. Occupational and Professional Licensure, Registration, and Certification Fees

#### IC 25-1-8-1 "Board" defined

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Mining board (IC 22-10-1.5-2).
- (14) Indiana state board of nursing (IC 25-23-1).
- (15) Indiana optometry board (IC 25-24).
- (16) Indiana board of pharmacy (IC 25-26).
- (17) Indiana plumbing commission (IC 25-28.5-1-3).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2-1).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1-3).
- (23) Department of insurance (IC 27-1).
- (24) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (26) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (27) Occupational therapy committee (IC 25-23.5-2-1).
- (28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).
- (29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (30) State board of registration for land surveyors (IC 25-21.5-2-1).
- (31) Physician assistant committee (IC 25-27.5).
- (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- (33) Board of podiatric medicine (IC 25-29-2-1).
- (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- (35) Indiana physical therapy committee (IC 25-27).
- (36) Manufactured home installer licensing board (IC 25-23.7).
- (37) Home inspectors licensing board (IC 25-20.2-3-1).
- (38) State board of massage therapy (IC 25-21.8-2-1).
- (39) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L. 223, SEC.1. Amended by P.L. 250-1983, SEC.1; P.L. 246-1985, SEC.16; P.L. 169-1985, SEC.30; P.L. 19-1986, SEC.42; P.L. 149-1987, SEC.22; P.L. 257-1987, SEC.16; P.L. 3-1989, SEC.144; P.L. 234-1989, SEC.4; P.L. 186-1990, SEC.6; P.L. 183-1991, SEC.4; P.L. 23-1991, SEC.10; P.L. 48-1991, SEC.17; P.L. 1-1992, SEC.131; P.L. 30-1993, SEC.6; P.L. 33-1993, SEC.12; P.L. 213-1993, SEC.3; P.L. 227-1993, SEC.6; P.L. 1-1994, SEC.121; P.L. 124-1995, SEC.5; P.L. 234-1995, SEC.4; P.L. 147-1997, SEC.9; P.L. 84-1998,*

*SEC.4; P.L. 24-1999, SEC.5; P.L. 82-2000, SEC.5; P.L. 162-2002, SEC.5; P.L. 2-2003, SEC.64; P.L. 145-2003, SEC.5; P.L. 185-2007, SEC.5; P.L. 200-2007, SEC.6.*

#### IC 25-1-8-1.1 Repealed

*(Repealed by P.L. 19-1986, SEC.43.)*

#### IC 25-1-8-2 Fees; establishment and collection

Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

- (1) Examination of applicants for licensure, registration, or certification.
- (2) Issuance, renewal, or transfer of a license, registration, or certificate.
- (3) Restoration of an expired license, registration, or certificate when such action is authorized by law.
- (4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.
- (5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than twenty-five dollars (\$25) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than ten dollars (\$10) for the issuance of a duplicate license, registration, or certificate.

*As added by Acts 1981, P.L. 223, SEC.1. Amended by Acts 1982, P.L. 113, SEC.13; P.L. 169-1985, SEC.31; P.L. 48-1991, SEC.18; P.L. 33-1993, SEC.13; P.L. 235-1995, SEC.1; P.L. 197-2007, SEC.19.*

#### IC 25-1-8-3 Quadrennial license or registration cycle; refunds

Sec. 3. (a) A board, operating on a quadrennial license, registration, or certificate renewal cycle, shall refund one-half (1/2) of the amount of the license, registration, or certificate fee if the holder of the license, registration, or certificate surrenders it at least two (2) years before it expires.

(b) This section does not apply to the holder of a license, registration, or certificate revoked or suspended by the board.

*As added by Acts 1982, P.L. 113, SEC.14.*

#### IC 25-1-8-4 Quadrennial license renewal system

Sec. 4. (a) Notwithstanding any law establishing a biennial license renewal system, a board operating on such a system may by rule establish a quadrennial license renewal system.

(b) If a board establishes a quadrennial license renewal system, it may provide for a reduction in the fees for the four (4) year license.

*As added by P.L. 234-1983, SEC.3.*

#### IC 25-1-8-5 Employment of professionals for testing; examination on statutes, rules, and regulations; standards of review

Sec. 5. (a) Notwithstanding any statutory provisions regarding the administration of examinations, a board or committee may employ

organizations or additional professionals to assist in the preparation, administration, and scoring of licensing examinations.

(b) A board or committee may require applicants for licensure, certification, or registration by examination, endorsement, or reciprocity to pass a test on the state or federal statutes, state rules, and federal regulations that the board or committee determines by rule to be relevant to the practice of a regulated profession.

(c) A board or committee may enter into a contract with a testing company or national association to set the standards of review for an examination by an applicant for licensure, certification, or registration. The standards of review may include:

- (1) setting fees for review;
- (2) requiring that an examination remain confidential; and
- (3) prohibiting the release of the examination or copies of the examination.

*As added by P.L. 169-1985, SEC.32. Amended by P.L.152-1988, SEC.5; P.L.48-1991, SEC.19.*

#### **IC 25-1-8-6 Reinstatement of delinquent or lapsed licenses**

Sec. 6. (a) As used in this section, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32-1).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23.7).
- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35.6-2).
- (36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; and

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
  - (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
  - (3) Payment of a reinstatement fee equal to the current initial application fee.
  - (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
- (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; and
- (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule that is not related to fees.

*As added by P.L.269-2001, SEC.5. Amended by P.L. 206-2005, SEC.13; P.L.157-2006, SEC.20; P.L.185-2007, SEC.6; P.L.197-2007, SEC.20.*

#### **IC 25-1-8-7 Repealed**

*(Repealed by P.L.157-2006, SEC.76.)*

#### **IC 25-1-8-8 License reinstatement; grounds for denial**

Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.

(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than ninety (90) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (c), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

- (1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.
- (2) Reinstate the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.
- (3) Reinstate the license and file a complaint under IC 25-1-7.
- (4) Request the office of the attorney general to conduct an investigation under subsection (d) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5.
- (5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.
- (c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).
- (d) If the board makes a request under subsection (b)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond ninety (90) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a final determination is made by the board.
- (e) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the ninety (90) day period unless:
  - (1) the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the ninety (90) day period;
  - (2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or
  - (3) the reinstatement is denied.If the ninety (90) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the ninety (90) day period.  
*As added by P.L. 197-2007, SEC.21.*

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## INDIANA CODE § 25-1-10

### Chapter 10. Reserved

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## INDIANA CODE § 25-1-11

### Chapter 11. Professional Licensing Standards of Practice

#### IC 25-1-11-1 "Board" defined

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).

- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana plumbing commission (IC 25-28.5-1-3).
- (11) Indiana real estate commission (IC 25-34.1-2-1).
- (12) Real estate appraiser licensure certification board (IC 25-34.1-8).
- (13) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).
- (16) State board of massage therapy (IC 25-21.8-2-1).

*As added by P.L. 214-1993, SEC.1. Amended by P.L. 2-1995, SEC.93; P.L. 234-1995, SEC.5; P.L. 82-2000, SEC.6; P.L. 162-2002, SEC.6; P.L. 145-2003, SEC.6; P.L. 185-2007, SEC.7; P.L. 200-2007, SEC.7.*

#### IC 25-1-11-2 "Practitioner" defined

Sec. 2. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) an inactive license;

issued by the board regulating a profession.

*As added by P.L. 214-1993, SEC.1. Amended by P.L. 236-1995, SEC.1.*

#### IC 25-1-11-3 "License" defined

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

*As added by P.L. 214-1993, SEC.1.*

#### IC 25-1-11-4 "Person" defined

Sec. 4. As used in this chapter, "person" means an individual, a partnership, a corporation, or a limited liability company.

*As added by P.L. 214-1993, SEC.1. Amended by P.L. 236-1995, SEC.2.*

#### IC 25-1-11-5 Practitioner compliance with professional standards; findings; meriting disciplinary sanctions

Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

(1) a practitioner has:

- (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
  - (B) engaged in fraud or material deception in the course of professional services or activities;
  - (C) advertised services or goods in a false or misleading manner; or
  - (D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices.
- (2) a practitioner has been convicted of a crime that:
- (A) has a direct bearing on the practitioner's ability to continue to practice competently; or
  - (B) is harmful to the public.

- (3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence, including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;

(9) a practitioner has allowed a license issued by a board to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended; or

(10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 84-1998, SEC. 6; P.L. 113-1999, SEC. 1; P.L. 197-2007, SEC. 24.*

#### **IC 25-1-11-7 Auctioneers; grounds for disciplinary sanctions**

Sec. 7. A practitioner licensed to practice auctioneering is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has failed to:

(1) account and to make payment under IC 25-6.1-6-2; or

(2) keep the funds of others separate from the practitioner's own private accounts.

*As added by P.L. 214-1993, SEC. 1.*

#### **IC 25-1-11-9.5 Repealed**

*(Repealed by P.L. 194-2005, SEC. 87.)*

#### **IC 25-1-11-10 Physical and mental examination of practitioner**

Sec. 10. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's expense, if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding.

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 178-1997, SEC. 1. Amended by P.L. 194-2005, SEC. 7.*

#### **IC 25-1-11-11 Refusal of physical or mental examination; summary suspension**

Sec. 11. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 13 of this chapter.

*As added by P.L. 214-1993, SEC. 1.*

#### **IC 25-1-11-12 Sanctions for violations**

Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

(1) Permanently revoke a practitioner's license.

(2) Suspend a practitioner's license.

(3) Censure a practitioner.

(4) Issue a letter of reprimand.

(5) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the board upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the board;

(C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

(6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 32-2000, SEC. 12.*

#### **IC 25-1-11-13 Summary suspension of practitioners**

Sec. 13. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

(b) The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed upon a hearing before the board. Each renewal of a summary suspension may not be for more than ninety (90) days.

(c) Before the board may summarily suspend a license under this section, the consumer protection division of the attorney general's office shall make a reasonable attempt to notify a practitioner of a hearing by the board to suspend a practitioner's license and of information regarding the allegation against the practitioner. The consumer protection division of the attorney general's office shall also notify the practitioner that the

practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to notify the practitioner is made if the consumer protection division of the attorney general's office attempts to notify the practitioner by telephone or facsimile at the last telephone number or facsimile number of the practitioner on file with the board. *As added by P.L. 214-1993, SEC. 1. Amended by P.L. 178-1997, SEC. 2; P.L. 197-2007, SEC. 25; P.L. 209-2007, SEC. 3.*

#### **IC 25-1-11-14 Reinstatement of suspended license**

Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 178-1997, SEC. 3.*

#### **IC 25-1-11-15 Reinstatement of revoked license**

Sec. 15. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

*As added by P.L. 214-1993, SEC. 1.*

#### **IC 25-1-11-16 Consistency of sanctions**

Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

*As added by P.L. 214-1993, SEC. 1.*

#### **IC 25-1-11-17 Surrender of practitioner license**

Sec. 17. A practitioner may petition the board to accept the surrender of the practitioner's license instead of having a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

*As added by P.L. 214-1993, SEC. 1.*

#### **IC 25-1-11-18 Costs; practitioners subjected to sanctions**

Sec. 18. A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 194-2005, SEC. 8.*

#### **IC 25-1-11-19 Refusal of licensure or granting of probationary license**

Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

- (1) the applicant has:

(A) been disciplined by a licensing entity of another state or jurisdiction; or

(B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and

(2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

(b) The board may:

- (1) refuse to issue a license; or
- (2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

(c) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
- (2) Limit practice to the areas prescribed by the board.
- (3) Continue or renew professional education requirements.
- (4) Engage in community restitution or service without compensation for the number of hours specified by the board.
- (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

*As added by P.L. 194-2005, SEC. 9. Amended by P.L. 197-2007, SEC. 26.*

#### **IC 25-1-11-20 Applicant appearance before board**

Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license.

*As added by P.L. 194-2005, SEC. 10.*

#### **IC 25-1-11-21 Adoption of rules; spouses of active duty military personnel**

Sec. 21. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:

- (1) license;
- (2) certificate;
- (3) registration; or
- (4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.

*As added by P.L. 144-2007, SEC. 26.*

## **INDIANA CODE § 25-1-12**

### **Chapter 12. Renewal of Licenses Held by Individuals in Military Service**

#### **IC 25-1-12-1 Applicability of chapter**

Sec. 1. This chapter applies to an individual who:

- (1) holds a license, certificate, registration, or permit under this title, IC 15, IC 16, or IC 22; and
- (2) is called to active duty.

*As added by P.L. 88-2004, SEC. 2.*

#### **IC 25-1-12-2 "Active duty" defined**

Sec. 2. As used in this chapter, "active duty" means full-time service in the:

- (1) armed forces of the United States; or

(2) national guard;  
for a period that exceeds thirty (30) consecutive days in a calendar year.  
*As added by P.L. 88-2004, SEC.2.*

**IC 25-1-12-3 "Armed forces of the United States" defined**

Sec. 3. As used in this chapter, "armed forces of the United States" means the active or reserve components of:

- (1) the army;
- (2) the navy;
- (3) the air force;
- (4) the coast guard;
- (5) the marine corps; or
- (6) the merchant marine.

*As added by P.L. 88-2004, SEC.2. Amended by P.L. 2-2005, SEC. 64.*

**IC 25-1-12-4 "National guard" defined**

Sec. 4. As used in this chapter, "national guard" means:

- (1) the Indiana army national guard; or
- (2) the Indiana air national guard.

*As added by P.L. 88-2004, SEC.2.*

**IC 25-1-12-5 "Practitioner" defined**

Sec. 5. As used in this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued under this title or IC 15, IC 16, or IC 22.

*As added by P.L. 88-2004, SEC.2.*

**IC 25-1-12-6 Extension to renew license or complete continuing education; requirements for extension; additional extensions**

Sec. 6. (a) Notwithstanding any other law, a practitioner who is called to active duty out-of-state and meets the requirements of subsection (b) is entitled to an extension of time described in subsection (c) to:

- (1) renew; and
- (2) complete the continuing education required by;

the practitioner's license, certificate, registration, or permit.

(b) The practitioner must meet the following requirements to receive the extension of time provided under subsection (a):

- (1) On the date the practitioner enters active duty, the practitioner's license, certificate, registration, or permit may not be revoked, suspended, lapsed, or be the subject of a complaint under IC 25-1-7.
- (2) The practitioner's license, certificate, registration, or permit must expire while the practitioner is out-of-state on active duty and the practitioner must not have received the notice of expiration before the date the practitioner entered active duty.
- (3) The practitioner shall provide proof of out-of-state active duty by providing a copy of the practitioner's:

- (A) discharge; or
- (B) government movement orders;

to the agency, board, commission, or committee issuing the practitioner's license, certificate, registration, or permit at the time the practitioner renews the practitioner's license, certificate, registration, or permit under this chapter.

(c) The extension of time provided under subsection (a) is equal to one hundred eighty (180) days after the date of the practitioner's discharge or release from active duty.

(d) The agency, board, commission, or committee that issued the practitioner's license, certificate, registration, or permit may extend the period provided in subsection (c) if the agency or board determines that an illness, an injury, or a disability related to the practitioner's active duty

prevents the practitioner from renewing or completing the continuing education required for the practitioner's license, certificate, registration, or permit. However, the agency, board, commission, or committee may not extend the period for longer than three hundred sixty-five (365) days after the date of the practitioner's discharge or release from active duty.

*As added by P.L. 88-2004, SEC.2. Amended by P.L. 2-2005, SEC. 65.*

**IC 25-1-12-7 Waiver of late fees**

Sec. 7. Any late fees that may be assessed against a practitioner in connection with a renewal under this chapter are waived.

*As added by P.L. 88-2004, SEC.2.*

**IC 25-1-12-8 Construction with federal law**

Sec. 8. This chapter may not be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:

- (1) the armed forces of the United States; or
- (2) the national guard;

under federal law.

*As added by P.L. 88-2004, SEC.2.*

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**INDIANA CODE § 25-1-14**

**Chapter 14. Meetings**

**IC 25-1-14-1 Applicability of section**

Sec. 1. This section applies to a meeting of a board, committee, or commission listed in IC 25-1-5-3 or IC 25-1-6-3.

*As added by P.L. 179-2007, SEC.14.*

**IC 25-1-14-2**

Sec. 2. A member of a board, committee, or commission may participate in a meeting of the board, committee, or commission:

- (1) at which at least a quorum is physically present at the place where the meeting is conducted; and
- (2) by using a means of communication that permits:
  - (A) all other members participating in the meeting; and
  - (B) all members of the public physically present at the place where the meeting is conducted;to simultaneously communicate with each other during the meeting.

*As added by P.L. 179-2007, SEC.14.*

**IC 25-1-14-3**

Sec. 3. A member who participates in a meeting under section 2 of this chapter:

- (1) is considered to be present at the meeting;
- (2) shall be counted for purposes of establishing a quorum; and
- (3) may vote at the meeting.

*As added by P.L. 179-2007, SEC.14.*

**IC 25-1-14-4**

Sec. 4. The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of:

- (1) each member who was physically present at the place where the meeting was conducted;
- (2) each member who participated in the meeting by using a means of communication described in section 2 of this chapter; and
- (3) each member who was absent.

*As added by P.L. 179-2007, SEC.14.*

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**Non-Code Provision under Public Law 206-2005**

**P.L. 206-2005, SECTION 16**

(a) The rules adopted by the health professions bureau before July 1, 2005, and in effect on June 30, 2005, shall be treated after June 30, 2005, as the rules of the Indiana professional licensing agency.

(b) On July 1, 2005, the Indiana professional licensing agency becomes the owner of all of the property of the health professions bureau. An appropriation made to the health professions bureau shall be treated after June 30, 2005, as an appropriation to the Indiana professional licensing agency.

(c) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the health professions bureau shall be treated after June 30, 2005, as a reference to the Indiana professional licensing agency.

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**TITLE 879 MANUFACTURED HOME INSTALLER  
LICENSING BOARD**

**ARTICLE 1. GENERAL PROVISIONS**

**Rule 1. Definitions**

**879 IAC 1-1-1 Applicability**

**Authority:** IC 25-23.7-3-8

**Affected:** IC 25-23.7

Sec. 1. The definitions in this rule apply throughout this article.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-1-1; filed May 11, 2005, 2:00 p.m.: 28 IR 2981)*

**879 IAC 1-1-2 "Board" defined**

**Authority:** IC 25-23.7-3-8

**Affected:** IC 25-23.7-3-1

Sec. 2. "Board" means the manufactured home installer licensing board established by IC 25-23.7-3-1.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-1-2; filed May 11, 2005, 2:00 p.m.: 28 IR 2981)*

**879 IAC 1-1-3 "Installation" or "install" defined**

**Authority:** IC 25-23.7-3-8

**Affected:** IC 25-23.7

Sec. 3. "Installation" or "install" means the following:

- (1) The construction, whether temporary or permanent, of a structural support system for a manufactured home.
- (2) The placement or erection of a manufactured home or manufactured home components on a structural support system.
- (3) Supporting, blocking, leveling, securing, anchoring, or adjusting any structural component of a manufactured home.
- (4) The connection of multiple or expandable sections or components of a manufactured home.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-1-3; filed May 11, 2005, 2:00 p.m.: 28 IR 2981)*

**879 IAC 1-1-4 "Installer" defined**

**Authority:** IC 25-23.7-3-8

**Affected:** IC 25-23.7

Sec. 4. "Installer" means an individual who contracts to install or installs a manufactured home.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-1-4; filed May 11, 2005, 2:00 p.m.: 28 IR 2981)*

**879 IAC 1-1-5 "Licensee" defined**

**Authority:** IC 25-23.7-3-8

**Affected:** IC 25-23.7

Sec. 5. "Licensee" means an individual who installs manufactured homes and is licensed under this article.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-1-5; filed May 11, 2005, 2:00 p.m.: 28 IR 2981)*

**879 IAC 1-1-6 "Manufactured home" defined**

**Authority:** IC 25-23.7-3-8

**Affected:** IC 22-12-1-14; IC 25-23.7

Sec. 6. "Manufactured home" means a structure, transportable in one (1) or more sections, that:

- (1) in the traveling mode, is:
  - (A) eight (8) body feet or more in width; or
  - (B) forty (40) body feet or more in length; or
- (2) when erected on site, is:
  - (A) three hundred twenty (320) or more square feet; and

(B) built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities;

and includes the plumbing, heating, and electrical systems contained therein. The term does not include industrialized building systems as defined in IC 22-12-1-14.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-1-6; filed May 11, 2005, 2:00 p.m.: 28 IR 2981)*

**Rule 2. Minimum Standards of Competent Practice**

**879 IAC 1-2-1 Manufactured home installers**

**Authority:** IC 25-23.7-3-8

**Affected:** IC 25-23.7

Sec. 1. (a) A manufactured home installer's license entitles its holder to install manufactured homes on a contract or subcontract basis for manufacturers, dealers, or home purchasers. All work must be in compliance with all applicable federal and state statutes, regulations, and standards. Work authorized by the manufactured home installer's license is limited to the following:

- (1) Site preparation.
- (2) Physical placement of the manufactured home on the site.
- (3) Physical connection of sections and structural and nonstructural and mechanical components of the manufactured home.
- (4) Installation of the following:
  - (A) Foundation system.
  - (B) Piers.
  - (C) Blocking work.
  - (D) Ground anchors.
  - (E) Tiedown straps.
  - (F) Leveling.
  - (G) Vapor barriers.
  - (H) Prefabricated steps.

(b) Electric, water, sewer, and gas utilities must not be connected until the manufactured home is properly blocked and leveled.

(c) Installation will not be considered complete until all systems are functioning.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-2-1; filed May 11, 2005, 2:00 p.m.: 28 IR 2982)*

**879 IAC 1-2-2 Manufactured home installation requirements**

**Authority:** IC 25-23.7-3-8

**Affected:** IC 25-23.7

Sec. 2. Manufactured home installers shall do manufactured home installation in compliance with the following:

- (1) 410 IAC 6-6, mobile home park sanitation and safety, as adopted by the Indiana state department of health.
- (2) 675 IAC 14, Indiana residential code, as adopted by the fire prevention and building safety commission.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-2-2; filed May 11, 2005, 2:00 p.m.: 28 IR 2982)*

**879 IAC 1-2-3 Advertising**

**Authority:** IC 25-23.7-3-8

**Affected:** IC 25-23.7

Sec. 3. Advertising by a manufactured home installer shall not misrepresent facts.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-2-3; filed May 11, 2005, 2:00 p.m.: 28 IR 2982)*

### Rule 3. Code of Ethics

#### 879 IAC 1-3-1 Code of ethics

**Authority:** IC 25-23.7-3-8

**Affected:** IC 25-23.7

Sec. 1. (a) This rule establishes requirements concerning ethical principles and unprofessional conduct in the practice of installation of manufactured homes.

(b) The ethics to be observed by licensed manufactured home installers shall be as follows:

- (1) Maintain a high standard of professional ethics.
- (2) Maintain a position of truth and integrity in dealing with customers and the public.
- (3) Maintain a policy of civic responsibility and cooperation in the community.
- (4) Maintain an attitude of constant cooperation with an interest in local, state, and federal laws.
- (5) Maintain a policy of prompt and efficient service of all legitimate complaints.
- (6) Maintain a policy of complete compliance with all existing laws and regulations governing the business operation.
- (7) Maintain a program of constant improvement of the products and the business interests.
- (8) Maintain the present and promote the future welfare and best interests of the citizens of Indiana.

(Manufactured Home Installer Licensing Board; 879 IAC 1-3-1; filed May 11, 2005, 2:00 p.m.: 28 IR 2982)

### Rule 4. Fees and Licensing Requirements

#### 879 IAC 1-4-1 Fees

**Authority:** IC 25-1-8-2; IC 25-23.7-3-8

**Affected:** IC 25-23.7

Sec. 1. The board shall charge and collect the following fees, which shall all be nonrefundable and nontransferable:

- (1) For review of an application for licensure and issuance of a license as a manufactured home installer, one hundred fifty dollars (\$150).
- (2) For the quadrennial renewal of the license to practice as a manufactured home installer, fifty dollars (\$50) payable before December 31 of every fourth year.
- (3) For renewal of an expired license to practice as a manufactured home installer, fifty dollars (\$50), plus the unpaid renewal.
- (4) For a duplicate or replacement wall certificate, twenty-five dollars (\$25).
- (5) For a replacement pocket card to practice as a manufactured home installer, ten dollars (\$10).
- (6) For verification of licensure to another state or jurisdiction, ten dollars (\$10).

(Manufactured Home Installer Licensing Board; 879 IAC 1-4-1; filed May 11, 2005, 2:00 p.m.: 28 IR 2982)

#### 879 IAC 1-4-2 Licensing educational requirements; hours of classroom instruction

**Authority:** IC 25-23.7-3-8

**Affected:** IC 25-1-11; IC 25-23.7

Sec. 2. (a) A manufactured home installer course shall consist of at least eight (8) hours of classroom instruction in the following:

- (1) A minimum of two (2) hours in Indiana law in the following subject areas:
  - (A) IC 25-23.7, Indiana manufactured home installer's act.
  - (B) IC 25-1-11, professional licensing standards of practice.

(C) 675 IAC 14, Indiana residential code, as adopted by the fire prevention and building safety commission.

(D) 410 IAC 6-6, mobile home park sanitation and safety, as adopted by the Indiana state department of health.

(E) Applicable federal and Indiana statutes, rules, and regulations governing manufactured home installation.

(2) A minimum of one-half (½) hour in professional ethics.

(3) A minimum of two (2) hours in installation manual in the following subject areas:

(A) Manufacturer's installation manuals and requirements.

(B) Preparation of manufactured housing sites.

(C) Installation of foundation systems.

(4) A minimum of two (2) hours in safety in the following subject areas:

(A) Blocking, perimeter support, and leveling of manufactured homes.

(B) Structural connections of sections and major components.

(C) Installation of anchoring systems and components.

(D) Installation of vapor barriers, curtain walls, access, and ventilation for crawlspace areas.

(5) A minimum of one-half (½) hour in utility connections between sections in the following subject areas:

(A) Electrical connections between sections.

(B) Plumbing connections between sections.

(C) Mechanical equipment connections between sections.

(D) Gas equipment and appliance connections within the home.

(E) Connections of vents, ducts, carpet, and other nonstructural components.

The educational topics listed are minimums for each topic.

Additional classroom time, over and above those listed above, shall be detailed within the educational outline information and is to be in areas relating to the installation of manufactured homes.

(b) One (1) hour of licensing education must contain sixty (60) minutes of actual instruction.

(c) All attendance shall be in the same course.

(d) A makeup class must be:

(1) completed during a regular class session; and

(2) sponsored by the provider in which the student was enrolled.

(Manufactured Home Installer Licensing Board; 879 IAC 1-4-2; filed May 11, 2005, 2:00 p.m.: 28 IR 2983)

### Rule 5. Insurance and Surety Bond

#### 879 IAC 1-5-1 Insurance and surety bond

**Authority:** IC 25-23.7-3-8

**Affected:** IC 25-23.7-5

Sec. 1. (a) In addition to meeting the requirements in IC 25-23.7-5 and 879 IAC 1-4, at the time of making application, an applicant for a manufactured home installer license must submit either of the following:

(1) Proof of insurance issued by an insurance company authorized to transact business in Indiana showing that the applicant, either directly or through the applicant's employer, is covered by a policy of general liability insurance with products/completed operations coverage in the minimum amount of one hundred thousand dollars (\$100,000) per occurrence, one million dollars (\$1,000,000) aggregate.

(2) Post with the board a surety bond that:

(A) names the applicant as the principal;

(B) obligates the surety in the amount of one hundred thousand dollars (\$100,000) to the board in favor of the state;

(C) requires the principal, if granted a license, to install manufactured homes in conformance with the manufacturer's

installation manual and to observe all applicable federal, state, and local statutes and regulations; and

(D) authorizes the board to declare the bond in default and to levy against the surety and the principal under the bond for the payment of actual damages to any person who is harmed as a result of the principal's violation of the requirements described in clause (C).

(b) The applicant shall immediately notify the board of any change in, or termination of, the insurance coverage or surety bond coverage submitted with the application and provide the board with evidence of substitute coverage. Upon a licensee's failure to comply with this section, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until the applicant has provided proper proof of insurance to the board.

(Manufactured Home Installer Licensing Board; 879 IAC 1-5-1; filed May 11, 2005, 2:00 p.m.: 28 IR 2983)

## **Rule 6. Licensing Education and Continuing Education Course Providers; General Requirements**

### **879 IAC 1-6-1 Application for licensing education and continuing education course provider approval; content**

**Authority:** IC 25-23.7-3-8

**Affected:** IC 25-23.7

Sec. 1. (a) Any manufactured home installer licensing education or continuing education course provider seeking approval as a course provider shall:

- (1) make written application for approval, on a form provided by the board; and
- (2) submit such documents, statements, and forms as:
  - (A) required by the board; and
  - (B) may be reasonably necessary to establish whether the course complies with the requirements of this article.

(b) The application shall include the following:

- (1) The name and address of the licensing education or continuing education course provider.
- (2) A list of each course offered.
- (3) The name, address, and telephone number of the contact person for the licensing education or continuing education course provider.

(c) To receive approval of a course, licensing education or continuing education course provider applicants must submit the following:

- (1) A course content outline meeting the requirements of:
  - (A) 879 IAC 1-4-2 for licensing education requirements; or
  - (B) 879 IAC 1-8-3 for continuing education requirements;describing each subject to be offered during the approval period.
- (2) A clearly expressed course objective.
- (3) The name and professional biography of the instructors that shows that the instructors possess special skills or knowledge of the subject being presented and have at least one (1) of the following minimum qualifications:
  - (A) An instructor of manufactured home installation teaching at:
    - (i) an accredited institution of higher education in the United States; or
    - (ii) a comparable school of a foreign country.
  - (B) Have a college degree related to the material that the person is to teach.
  - (C) Five (5) years full-time experience in a profession, trade, or technical occupation related to the material being taught.
- (4) The number of hours of licensing education or continuing education to be granted for each course.
- (5) A sample course:
  - (A) evaluation form; and
  - (B) completion certificate.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-1; filed May 11, 2005, 2:00 p.m.: 28 IR 2984)

### **879 IAC 1-6-2 Certifications of completion**

**Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5

**Affected:** IC 25-23.7

Sec. 2. Licensing education or continuing education course providers shall provide the student who successfully completes an approved licensing education or continuing education course a certification of course completion that must include the following information:

- (1) The name, telephone number, and address of the licensing education or continuing education provider.
- (2) The name and the Indiana license number, if applicable, of the participant.
- (3) The title of the course, date of course, and number of hours completed.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-2; filed May 11, 2005, 2:00 p.m.: 28 IR 2984)

### **879 IAC 1-6-3 Course records**

**Authority:** IC 25-23.7-3-8

**Affected:** IC 25-23.7

Sec. 3. Each approved licensing education or continuing education course provider must maintain records of students who successfully complete the course of study for a minimum of seven (7) years. The records must include the following:

- (1) Attendance records.
- (2) Course material evaluations.
- (3) Instructor and course evaluations.
- (4) Duplicate copies of completion certificates or the ability to reproduce duplicate completion certificates.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-3; filed May 11, 2005, 2:00 p.m.: 28 IR 2984)

### **879 IAC 1-6-4 Course and instructor evaluations**

**Authority:** IC 25-23.7-3-8

**Affected:** IC 25-23.7

Sec. 4. (a) Each manufactured home installer licensing education course or continuing education course shall have a written course evaluation consisting of questions to appropriately evaluate the overall course.

(b) Licensing education or continuing education course providers are required to survey their students at the end of each course. The survey shall include information regarding the following:

- (1) The quality of instruction.
- (2) The appropriateness of materials.
- (3) Other information that will properly evaluate the course.

(c) Evaluations must be made available for inspection by the board upon request.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-4; filed May 11, 2005, 2:00 p.m.: 28 IR 2984)

### **879 IAC 1-6-5 Facilities**

**Authority:** IC 25-23.7-3-8

**Affected:** IC 25-23.7

Sec. 5. (a) The premises, equipment, and facilities of the approved licensing education or continuing education course provider shall comply with all local, city, county, and state regulations, such as fire, building, and sanitation codes. The premises must also accommodate Americans with disabilities.

(b) Licensing education or continuing education courses shall be taught in a facility with adequate space, seating, equipment, and instructional material to accommodate the number of students enrolled.

(c) Approved licensing education or continuing education course providers shall prohibit the serving or obtaining of alcoholic beverages in the classroom and any other area that the student would have access to during the time class is in session, including breaks, such as the restroom and hallways.

(d) Subsection (c) shall not be interpreted to prohibit the use of facilities, such as hotels, motels, and convention centers, where alcoholic beverages are sold in separate rooms.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-6-5; filed May 11, 2005, 2:00 p.m.: 28 IR 2985)*

#### **879 IAC 1-6-6 Student fees; cancellation of course sessions**

**Authority: IC 25-23.7-3-8**

**Affected: IC 25-23.7**

Sec. 6. (a) The cost of textbooks, supplemental texts, and required materials shall be included in the course fee. Disclosure of the full cost of the course, including tuition, books, and required materials, must be made to the student before enrollment. (b) Each approved licensing education or continuing education course provider shall establish a refund policy, which is included in all printed material related to the offering of the course. The refund policy shall be available for review and acceptance by the student at the time of enrollment.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-6-6; filed May 11, 2005, 2:00 p.m.: 28 IR 2985)*

#### **879 IAC 1-6-7 Advertising**

**Authority: IC 25-23.7-3-8**

**Affected: IC 25-23.7**

Sec. 7. No licensing education or continuing education course provider conducting a course of study shall advertise or make any reference in its advertising, promotional material, brochures, and/or registration forms that it is:

- (1) endorsed by;
- (2) recommended by;
- (3) accredited by; or
- (4) affiliated with;

the board. However, the licensing education or continuing education course provider may state that the course being presented has been approved by the board.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-6-7; filed May 11, 2005, 2:00 p.m.: 28 IR 2985)*

#### **879 IAC 1-6-8 Licensing education and continuing education course provider prohibitions**

**Authority: IC 25-23.7-3-8**

**Affected: IC 25-23.7**

Sec. 8. Licensing education or continuing education course providers are prohibited from the following:

- (1) Giving materially inaccurate or misleading information in an application for licensing education or continuing education course provider approval or an annual report.
- (2) Deliberately falsifying or misrepresenting any information supplied to the board or the public.
- (3) Having substantially failed to comply with the provisions of any contract or agreement entered into with a student.
- (4) Failing to allow the board or its designee to inspect the licensing education or continuing education course or its records or failing to make available such information as required by this article.
- (5) Violating IC 25-23.7 or this title.
- (6) Failing to notify the board within thirty (30) days of the termination of its relationship with an instructor.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-6-8; filed May 11, 2005, 2:00 p.m.: 28 IR 2985)*

#### **879 IAC 1-6-9 Instructors prohibitions**

**Authority: IC 25-23.7-3-8**

**Affected: IC 25-23.7**

Sec. 9. (a) An approved manufactured home installer licensing education or continuing education course provider is prohibited from hiring, or retaining in its employ, an instructor who has:

- (1) had a manufactured home installer license revoked or suspended by any state or federal manufactured home installer licensing agency;
- (2) been convicted of a crime that has a direct bearing on the individual's ability to competently instruct, including, but not necessarily limited to, violations of manufactured home installer laws and abuse of fiduciary responsibilities; or
- (3) falsely certified hours of attendance for any student.

(b) Any instructor whose professional license or certification is under sanction by any state or federal manufactured home installer licensing agency may not instruct in an approved licensing education or continuing education program while the disciplinary sanction is in effect.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-6-9; filed May 11, 2005, 2:00 p.m.: 28 IR 2985)*

#### **879 IAC 1-6-10 Notification of changes**

**Authority: IC 25-23.7-3-8; IC 25-23.7-6-5**

**Affected: IC 25-23.7**

Sec. 10. All approved licensing education or continuing education course providers shall advise the board within thirty (30) days after any significant changes in their operation. Significant changes include, but are not limited to, the following:

- (1) Going out of business.
- (2) A change in the address or phone number of the licensing education or continuing education course provider.
- (3) A change in the name, address, or telephone number of the contact person.
- (4) Adding a new instructor.
- (5) Changes in course outline.
- (6) Any course addition or deletion.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-6-10; filed May 11, 2005, 2:00 p.m.: 28 IR 2986)*

#### **879 IAC 1-6-11 Review and investigation of approved licensing education or continuing education course providers**

**Authority: IC 25-23.7-3-8**

**Affected: IC 25-1-11; IC 25-23.7**

Sec. 11. (a) An approved licensing education or continuing education course provider may be asked to:

- (1) provide specific information;
- (2) answer questions; or
- (3) appear before the board or its designee;

for the purpose of determining compliance with this article.

(b) The board or its designee may, at any time, review or investigate, or both, any matter concerning any course or applicant for licensing education or continuing education course provider approval to determine compliance with this article.

(c) The method of review shall be determined by the board in each case and will generally consist of the following:

- (1) Consideration of information available from applicable:
  - (A) federal, state, or local agencies;
  - (B) private organizations or agencies; or
  - (C) interested persons.
- (2) Conferences with:
  - (A) the licensing education or continuing education course provider director and other representatives of the licensing education or continuing education course provider involved; or

(B) former students of the licensing education or continuing education course provider.

(d) The board may require a background check on the licensing education or continuing education provider's personnel, including a criminal history check.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-11; filed May 11, 2005, 2:00 p.m.: 28 IR 2986)

#### **879 IAC 1-6-12 Discipline for noncompliance**

**Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5

**Affected:** IC 25-1-11; IC 25-23.7

Sec. 12. Licensing education or continuing education course providers who are found not to be in compliance with this rule are subject to being disciplined under IC 25-1-11.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-12; filed May 11, 2005, 2:00 p.m.: 28 IR 2986)

### **Rule 7. Renewal**

#### **879 IAC 1-7-1 Renewal of a manufactured home installer license**

**Authority:** IC 25-23.7-3-8

**Affected:** IC 25-23.7

Sec. 1. (a) A manufactured home installer license issued under this article shall expire January 1 of every fourth year.

(b) To renew a license, an individual must do the following:

- (1) Pay the fee required by 879 IAC 1-4-1.
- (2) Complete an application for renewal on a form provided by the board.
- (3) Satisfactorily complete the continuing education required by 879 IAC 1-8.
- (4) Submit a certification or proof of continuation of the insurance coverage or surety bond required by 879 IAC 1-5.
- (5) Sign a statement under penalty of perjury that:
  - (A) the hours submitted are correct;
  - (B) the licensee attended and completed the courses taken; and
  - (C) to the best of the licensee's knowledge, the courses completed meet the requirements of 879 IAC 1-8.

(Manufactured Home Installer Licensing Board; 879 IAC 1-7-1; filed May 11, 2005, 2:00 p.m.: 28 IR 2986)

#### **879 IAC 1-7-2 Renewal of licensing education or continuing education course providers**

**Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5

**Affected:** IC 25-23.7

Sec. 2. Licensing education or continuing education course provider approval will expire on December 31 of every year. To obtain renewal of the licensing education or continuing education course provider approval, the provider must submit a letter to the board requesting such renewal by October 31. This letter must detail any changes made in the:

- (1) course topics;
- (2) materials;
- (3) instructors; or
- (4) other information required by 879 IAC 1-6.

(Manufactured Home Installer Licensing Board; 879 IAC 1-7-2; filed May 11, 2005, 2:00 p.m.: 28 IR 2986)

### **Rule 8. Continuing Education**

#### **879 IAC 1-8-1 Continuing education requirements**

**Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5

**Affected:** IC 25-23.7

Sec. 1. (a) Manufactured home installers must complete twelve (12) hours of continuing education in order to qualify for renewal of an active license.

(b) The number of continuing education hours that a licensee must obtain for the renewal period at the time of issuance of a new license shall be established by section 11 of this rule.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-1; filed May 11, 2005, 2:00 p.m.: 28 IR 2987)

#### **879 IAC 1-8-2 Courses from approved continuing education providers**

**Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5

**Affected:** IC 25-23.7

Sec. 2. Hours of continuing education will be granted to manufactured home installers who have successfully completed courses offered by manufactured home installer continuing education course providers approved under 879 IAC 1-6.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-2; filed May 11, 2005, 2:00 p.m.: 28 IR 2987)

#### **879 IAC 1-8-3 Continuing education topics**

**Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5

**Affected:** IC 25-1-11; IC 25-23.7

Sec. 3. (a) To qualify for renewal, a manufactured home installer must complete twelve (12) hours of continuing education in any of the following topics:

- (1) IC 25-23.7, Indiana manufactured home installer licensing act.
- (2) IC 25-1-11, professional licensing standards of practice.
- (3) 879 IAC 1-2, competent practice of manufactured home installation.
- (4) 879 IAC 1-3, code of ethics.
- (5) 675 IAC 14, Indiana residential code, as adopted by the fire prevention and building safety commission.
- (6) 410 IAC 6-6, mobile home park sanitation and safety, as adopted by the Indiana state department of health.
- (7) Applicable federal and Indiana statutes, rules, and regulations governing manufactured home installation.
- (8) Manufacturer's installation manuals and requirements.
- (9) Preparation of manufactured housing sites.
- (10) Installation of foundation systems.
- (11) Blocking, perimeter support, and leveling of manufactured homes.
- (12) Structural connections of section and major components.
- (13) Installation of anchoring systems and components.
- (14) Installation of vapor barriers, curtain walls, access, and ventilation for crawlspace areas.
- (15) Electrical connections between sections.
- (16) Plumbing connections between sections.
- (17) Mechanical equipment connections between sections.
- (18) Gas equipment and appliance connections within the home.
- (19) Connections of vents, ducts, carpet, and other nonstructural components.

(b) The twelve (12) hours of continuing education must include the following:

- (1) Professional ethics.
- (2) Indiana statutes, rules, and regulations governing manufactured home installers.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-3; filed May 11, 2005, 2:00 p.m.: 28 IR 2987)

**879 IAC 1-8-4 Continuing education credit not given****Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5**Affected:** IC 25-23.7

Sec. 4. Continuing education credit will not be given for any of the following:

- (1) Any education obtained prior to licensure.
- (2) Approved licensing education courses under 879 IAC 1-4-2.
- (3) Courses taken for a second or subsequent time during a renewal period.
- (4) Courses or seminars not completed. Partial credit may not be given.
- (5) Courses not completed due to dismissal by the continuing education provider for disruption of the course, such as the following:
  - (A) Reading newspapers.
  - (B) Talking on mobile telephones.
  - (C) Anything other than paying attention during the course.
- (6) Meetings of the manufactured home installer licensing board.
- (7) Training conducted during eating periods.
- (8) Motivational classes or seminars.
- (9) Business, social, or other noneducational meetings of professional groups or subgroups.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-4; filed May 11, 2005, 2:00 p.m.: 28 IR 2988)

**879 IAC 1-8-5 Retention of certificates of completion****Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5**Affected:** IC 25-23.7

Sec. 5. Manufactured home installers shall retain course completion certificates for not less than five (5) years from the date of the course.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-5; filed May 11, 2005, 2:00 p.m.: 28 IR 2988)

**879 IAC 1-8-6 Continuing education hours****Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5**Affected:** IC 25-23.7

Sec. 6. (a) Hours of continuing education earned in one (1) renewal period may not be used in a subsequent renewal period.

(b) Any continuing education credit accumulated above the minimum requirement for a four (4) year licensure period may not be carried forward to the next four (4) year licensure period.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-6; filed May 11, 2005, 2:00 p.m.: 28 IR 2988)

**879 IAC 1-8-7 Credit for instructors****Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5**Affected:** IC 25-23.7

Sec. 7. A continuing education instructor shall be entitled to continuing education credit for courses the instructor teaches. However, an instructor may not:

- (1) be credited for more than four (4) hours of credit for instructing in any four (4) year licensure period; or
- (2) receive credit for repeated courses.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-7; filed May 11, 2005, 2:00 p.m.: 28 IR 2988)

**879 IAC 1-8-8 Inactive status****Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5**Affected:** IC 25-23.7

Sec. 8. Manufactured home installers may apply to the board to renew their licenses in an inactive status. No continuing education is required to renew inactive. An inactive manufactured home installer may not practice manufactured home installation while in inactive status.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-8; filed May 11, 2005, 2:00 p.m.: 28 IR 2988)

**879 IAC 1-8-9 Reactivation of an inactive license****Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5**Affected:** IC 25-23.7

Sec. 9. (a) To reactivate an inactive license, a manufactured home installer must apply to the board for the reactivation on the application form supplied by the board.

(b) Manufactured home installers who have been inactive at the date the reactivation application is filed must submit proof of completion of twelve (12) hours of continuing education within the four (4) year period immediately before the date the reactivation application is filed.

(c) Continuing education hours obtained by a licensee to reactivate an inactive license cannot be double counted by also using them for credit in the renewal period in progress. The continuing education requirements for the renewal period in progress are stated in section 11 of this rule.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-9; filed May 11, 2005, 2:00 p.m.: 28 IR 2988)

**879 IAC 1-8-10 Reinstatement of an expired or lapsed license****Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5**Affected:** IC 25-23.7

Sec. 10. (a) An individual whose license has expired or lapsed and wishes to reenter the practice of manufactured home installation must file an application to renew the expired or lapsed license. The application shall be accompanied by the following:

(1) The payment of the fee required to renew the quadrennial license specified in 879 IAC 1-4-1.

(2) Evidence of completion of the twelve (12) hours of continuing education hours prior to filing the application.

(b) The continuing education hours required under subdivision (a)(2) [subsection (a)(2)] must:

(1) have been obtained no earlier than four (4) years prior to the date the application for reentry is filed; and

(2) meet the requirements established in this rule.

(c) Continuing education obtained by a licensee to renew an expired or lapsed license under this section cannot be double counted by also using them for credit in the renewal period in progress. The continuing education requirements for the renewal period in progress at the time of reinstatement are stated in section 11 of this rule.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-10; filed May 11, 2005, 2:00 p.m.: 28 IR 2988)

**879 IAC 1-8-11 Continuing education required after reactivation or reinstatement****Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5**Affected:** IC 25-23.7

Sec. 11. The following table establishes the number of continuing education hours that a licensee must obtain for the four (4) year licensure period in progress at the time of the issuance, reactivation, or reinstatement of a license under sections 1, 9, and 10 of this rule:

Date of Issuance of License	Hours Required to Renew
January 1 – June 30 of the first year	12
July 1 – December 31 of the first year	10
January 1 – June 30 of the second year	8
July 1 – December 31 of the second year	6
January 1 – June 30 of the third year	4
July 1 – December 31 of the third year	2
January 1 – June 30 of the fourth year	2
July 1 – December 31 of the fourth year	0

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-11; filed May 11, 2005, 2:00 p.m.: 28 IR 2988)

**879 IAC 1-8-12 Waiver of continuing education****Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5**Affected:** IC 25-23.7

Sec. 12. (a) Manufactured home installers who are unable to meet the continuing education requirements because they:

- (1) serve in the armed forces of the United States;
- (2) have an incapacitating illness or injury that prevented either part-time or full-time employment; or
- (3) reside outside of the United States of America;

may petition the board, in writing, to have a reduction or waiver of the continuing education requirements.

(b) Manufactured home installers who receive a reduction in the continuing education hours under subsection (a) must make up those hours in the next licensure period. Those hours will be in addition to the hours otherwise required for the next licensure period.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-8-12; filed May 11, 2005, 2:00 p.m.: 28 IR 2989)*

**879 IAC 1-8-13 Audit of continuing education compliance****Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5**Affected:** IC 25-1-11; IC 25-23.7

Sec. 13. (a) The board may conduct audits of manufactured home installers and providers for continuing education compliance.

For any purpose of this section, the board may designate a board member or staff member to act on behalf of or in the name of the board.

(b) If, as a result of an audit or other review, the board determines that hours of continuing education a manufactured home installer has claimed do not meet the requirements of IC 25-23.7-6-5 and this article, the board shall notify the manufactured home installer of that determination.

(c) A manufactured home installer, who has been notified under subsection (b), may, within thirty (30) days, submit information to the board giving all the substantive reasons in support of the manufactured home installer's position that an adequate number of hours of continuing education have been completed.

(d) A manufactured home installer who submits false information shall be subject to the sanctions provided for under IC 25-1-11.

(e) Manufactured home installers who are found not to be in compliance will be subject to discipline under IC 25-1-11.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-8-13; filed May 11, 2005, 2:00 p.m.: 28 IR 2989)*

**Rule 9. Distance Learning Continuing Education****879 IAC 1-9-1 "Distance education" defined****Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5**Affected:** IC 25-23.7

Sec. 1. (a) As used in this rule, "distance education" means a course in which instruction does not take place in a traditional classroom setting but rather through other media where the educator and student are separated by distance and sometimes by time.

(b) Methods of distance learning education include, but are not limited to, the following:

- (1) Education by correspondence.
- (2) Video instruction.
- (3) Internet education.

(c) "Provider" means an individual or company that creates and delivers continuing education by distance learning methods.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-9-1; filed May 11, 2005, 2:00 p.m.: 28 IR 2989)*

**879 IAC 1-9-2 Distance education courses and providers****Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5**Affected:** IC 25-23.7

Sec. 2. (a) The board must approve continuing education courses offered by a distance learning method and the provider of the distance learning method.

(b) A licensee must complete the distance education course within one (1) year of the date of enrollment.

(c) Course subjects allowed under 879 IAC 1-8-3 may be taken through distance learning. However, a maximum of fifty percent (50%) (six (6)) of continuing education courses will be credited toward the twelve (12) hour requirement.

(d) The board must approve a distance education course if the board determines to its satisfaction the following:

- (1) The distance education course serves to protect the public by contributing to the maintenance and improvement of the quality of the services provided by the manufactured home installer continuing education provider to the public.
- (2) An appropriate and complete application has been filed and approved by the board.
- (3) The distance education course meets the content requirements as prescribed in 879 IAC 1-8-3.
- (4) The distance education course or courses meets all other requirements as prescribed in the statutes and rules that govern the operation of approved courses.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-9-2; filed May 11, 2005, 2:00 p.m.: 28 IR 2989)*

**879 IAC 1-9-3 Approval of distance education course and provider****Authority:** IC 25-23.7-3-8; IC 25-23.7-6-5**Affected:** IC 25-23.7

Sec. 3. In order for a distance education course to be approved for credit, the continuing education course provider shall submit the following information:

- (1) For course design, the following:
  - (A) A plan for submitting substantial changes in the course to the board. Substantial changes include, but are not limited to, the following:
    - (i) Expanded or reduced course content.
    - (ii) Changes in the time allotments for portions of the course.
    - (iii) Changes or redirect learning objectives.
    - (iv) A change of instructor.
    - (v) Changes in the course delivery method.
  - (B) A course may provide a test, and the participant must score at least seventy-five percent (75%) to pass and receive credit for the class. Tests may have any combination of multiple choice, true or false, fill-in, or essay questions with at least twenty (20) questions per two (2) hours of instruction. If a test is not used, an alternate method of timing the licensee's participation must be provided to verify completion of the course.
- (2) For course delivery, the following:
  - (A) The names and qualifications for each continuing education provider and instructor of the course offered by distance learning methods and submit their credentials, including any specific training for teaching via the specified delivery method as well as a plan for their continued professional development.
  - (B) An identity affirmation statement is required. The licensee is required to sign the statement before any certificate of completion for distance learning is issued.
  - (C) A plan for sufficient security to:
    - (i) ensure against fraudulent practices;
    - (ii) protect the licensee's identification information; and
    - (iii) verify that the student enrolled in the course is the one who completes the course and any required tests.



(3) For licensee support services, information about the course, if applicable, including the following:

- (A) Broadcasts and distance site locations.
- (B) Faculty contact information.
- (C) Course outline and learning objectives.
- (D) Testing and grading information.
- (E) Guidelines regarding what constitutes successful completion of the course.
- (F) Homework assignments and deadlines.
- (G) Fees and refunds.
- (H) Prerequisites for the course.
- (I) A list of required student materials.
- (J) A list of other support services made available to the students.

(4) For evaluation and assessment, an evaluation form, which solicits licensee feedback on the following:

- (A) The delivery approach.
- (B) The equipment.
- (C) Suggestions for class improvement.
- (D) Their overall satisfaction with the course.

It is required that every licensee in a distance education course be provided an evaluation form at the conclusion of the course.

*(Manufactured Home Installer Licensing Board; 879 IAC 1-9-3; filed May 11, 2005, 2:00 p.m.; 28 IR 2990)*

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